# MINUTES

of the

# COUNCIL OF THE COUNTY OF MAUI

May 30, 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 TUESDAY, MAY 30, 2017, BEGINNING AT 9:00 A.M., WITH CHAIR MICHAEL B. WHITE PRESIDING.

CHAIR WHITE: This meeting of the Maui County Council 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, YUKI LEI K. SUGIMURA, VICE-CHAIR ROBERT CARROLL, AND CHAIR MICHAEL B. WHITE.

EXCUSED: COUNCILMEMBER KELLY T. KING.

COUNTY CLERK DENNIS A. MATEO: Mr. Chair, eight Members present, one excused. A quorum is present to conduct the business of the Council.

CHAIR WHITE: Thank you, Mr. Clerk.

And for opening remarks this morning, we have Mr. Carroll.

## OPENING REMARKS

The opening remarks were offered by Vice-Chair Robert Carroll.

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

Members and the audience, 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: And before we start on today's agenda, please silence your cellphones and keep your remarks to yourself as we proceed through the testimony.

Mr. Clerk, proceed with the agenda.

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

## CEREMONIAL RESOLUTIONS

RESOLUTION
NO. 17-87

CONGRATULATING THE FALCON ENTERTAINMENT AND ENGINEERING TECHNOLOGY CLUB OF MAUI WAENA INTERMEDIATE SCHOOL FOR BEING AWARDED FIRST PLACE AT THE 2017 STUDENT TELEVISION NETWORK CONVENTION

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair.

I MOVE TO ADOPT THE RESO AS READ BY THE CLERK.

COUNCILMEMBER HOKAMA:

SECOND.

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

Mr. Guzman.

COUNCILMEMBER GUZMAN: Chair, may I request the Clerk to read the resolution in its entirety?

CHAIR WHITE: Certainly, so ordered.

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

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair.

It is with great honor and pride that we welcome the Maui Waena Technology Club back to the Council chambers. If the Members had a chance to review the video of the team's winning broadcast, it's very clear that it's an amazing group of students, specifically enhancing their skills in journalism, issue spotting as well as energy, energy issues and community issues and the engineering technology, which will build their skills for future, for our future economics and our industry here in Maui.

Their video and all their hard work and research shows that they've tackled the same issues that the Council has, homelessness and the short-term vacation rentals, as well as exploring controversial subject matters as the gun control legislation in California. They are smart, tech-savvy, and creative, and the, and they produced a truly professional news broadcast. They show us once again that our Maui youth are on the cutting edge of technology and are consistently recognized as the best of the best.

We congratulate three members of the 2015 award winning team who have continued the tradition of excellence and return today as part of the 2017 team: Bryant Asuncion, Gigi Baldonado, and Alexis Viloria. We also want to recognize Jacy Hanada, the daughter of Executive Assistant Stacy Takahashi, in your, your office as well, Chair.

As always, we are fortunate to have the topnotch supporters for the team's efforts. Jennifer Suzuki, the 2017 Maui District Teacher of the Year; and Jon Asato, the group's advisor, provides guidance for the Technology Club. And along with the staff and the parents, they come together to work with the students continually to raise the bar, aim high and achieve great things. The future of broadcast is in good hands.

I ask our Members for full support of this reso. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Guzman.

Members, any further discussion on this item?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I would quickly add my congratulations to this group of young adults, individuals that I for one find quite refreshing. As Mr. Guzman stated in his resolution, they talk about journalistic integrity, honoring the skills of broadcast, technical excellence, creativity. I don't see this as fake news, Chairman. I see this as real news and what is news at north, east, west, and south, the facts from across the globe.

And so for me Chairman, I find that those of our young people who endeavor in this pursuit of facts and presented in a manner that is available so the community can appreciate and understand the reporting. I want to thank these young people because a diligent democracy is fed by information of facts, Chairman. And I commend them for pursuit of this excellence. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. I also would like to extend my congratulation and support for this resolution. And I had a personal experience of working with their chair, their teacher Jennifer Suzuki with Meadow Gold Dairies, Dean Foods, who actually reached out to Maui Waena to help them produce a, a television commercial. I mean, pretty talented kids and today again we're seeing the excellence of really what leadership and teaching can do and creative minds to come up with this award. And to think of producing anything in eight minutes of this caliber and to be recognized nationally I think they are superstars. So congratulations to them. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Sugimura.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you very much. And yeah I echo all the sentiments that have been expressed so far. And it just again it is very refreshing to see our young adults and people from this young age already looking to cover huge issues that we face every day, homelessness, and the vacation rental issue. So hats off to these, to

the school to really hone in on those two top major issues which are top of my mind all the time.

And, you know, and hats off to the families. You know this all starts in the home and the dedication and commitment of the parents and the, their, their guidance from ohana and family that bring them to this point along with the willingness to learn and put in the dedication, time, energy, and effort into succeeding this way. So again, just thank you to everyone that made this, this day happen for the kids and the school. So thank you for making Maui No Ka Oi and us proud, proud. Thank you.

CHAIR WHITE: Thank you, Ms. Cochran.

Any further discussion?

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you. I want to join everyone else here on behalf of Maui County to say mahalo. It will make us become more aware that our young people are paying attention to our discussions about homelessness and short-term rentals. So, we appreciate their, their lense, to, to make us aware of what's going on. More especially I want to thank the families for their support and of course the advisors that I'm sure put in more than countless hours. And thank you for beginning the footprints that you lay before us for others to follow as well as us, as adults. So again, mahalo and congratulations.

CHAIR WHITE: Thank you, Ms. Crivello.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. It's heartening to see these young people addressing the concerns that we wrestle with every day and knowing that we have people coming up behind us that one day will be willing to address the problems whether they're the same problems or new problems. But, that they've already shown that they care enough to spend the time to try to get the word out and try to do something about it. And I am so heartened when I see this type of action of our youth. Mahalo.

CHAIR WHITE: Thank you, Mr. Carroll.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR WHITE: Measure passes with eight "ayes", one "excused"; Ms. King.

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. May I ask the team as well as their teacher, Jennifer Suzuki and their advisor, Jon Asato to come to the floor to receive their accolades.

CHAIR WHITE: Certainly. Please join us.

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. It is with great honor to recognize the Maui Waena Technology and Engineering Club. I'd like to ask Susan Suzuki *[sic]* to come up and say a few words, I'd like to present her with the reso as well as we do have to recognize Jennifer Suzuki as the 2017 Maui District Teacher of the Year. So, congratulations.

MS. JENNIFER SUZUKI: Okay, I don't have all the whereas' and therefore's. Thank you so much for having us today Honorable Councilmembers and for recognizing my group. I'm really, really proud of these young people who gave up months of Saturdays, like literally, like 16 Saturdays this year from eight in the morning till eight at night to practice.

They concurred new technology, they know how to use all the equipment that I don't know how to use. And most of all they went out of their comfort zones. They wondered neighborhoods and asked strange people questions that I would have been afraid to ask. So they're amazing. We're very, very lucky to call them our future. And Jon Asato, my co-advisor and I are very lucky to have been able to watch them grow into the amazing journalists and story-tellers that you see before us. We just have the best job in the world and we're surrounded with, by the best people. So thank you. That's all.

CHAIR WHITE: Thank you very much. It's very exciting to see young kids taking on challenges, looking for the facts.

COUNCILMEMBER HOKAMA: Chairman, may I request a very short recess.

CHAIR WHITE: Yes.

COUNCILMEMBER HOKAMA: Thank you.

CHAIR WHITE: We'll be in recess at the call of the Chair.

(THE MEETING WAS RECESSED BY THE CHAIR AT 9:22 A.M., AND WAS RECONVENED AT 9:26 A.M., WITH ALL MEMBERS PRESENT, EXCEPT COUNCILMEMBER KING EXCUSED.)

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

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

COUNTY CLERK: Mr. Chair, the ceremonial resolution, for the record RESOLUTION 17-87.

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

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

And when testifying, please state your name and the name of any organization you represent.

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

MS. DAWN LONO: Good morning. 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 introduce 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 fifteen individuals who have signed up to testify in the chamber. The first person to testify this morning is Keahi Johnson, testifying on Bill 65, to be followed by Kahala Johnson.

## PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MS. KEAHI JOHNSON, [testifying on Bill No. 65 (2017)]:

Aloha mai kakou.

*(Recited her family genealogy in Hawaiian.)*

Hi, my name is Keahi and I am not sure if you've seen this particular device, quite mesmerizing actually. I've also never seen it out of millennial's hand. It's almost impossible to detach an iPhone or a device. But never have I seen it detached until I go to my own property and land, and I actually see the keiki and opio like myself working in the land and learning new things such as making lei, learning about the different wai that come down.

And I'm just on behalf of all the youth and young adults, and I would like to leave you with this statement, we're all listening to you. And as we can see the youth today, they're pretty tech-savvy, such as myself and the members that we have had. And I would just like to say that we will all remember what you, what you guys state and say in this. Mahalo.

CHAIR WHITE: Thank you very much. Members, any need for clarification? Seeing none.

Mr. Clerk, please proceed.

COUNTY CLERK: Next testifier is Kahala Johnson, to be followed by Laura Johnson.

MR. KAHALA JOHNSON, [testifying on Bill No. 65 (2017)]:

Aloha. My name is Kahala Johnson, I'm a doctorate student studying political science at UH Manoa. I'm a descendant of Pehuino who's genealogy was just given. And Pehuino was the ancestor who secured and quieted title via LCA 3386, to our family lands in Waiehu during the 1839 Mahele.

I speak today to demand that the Council withdraw funding to the Kaehu Project which intrudes upon the legal interest granted by LCA 3386 to my ohana. I want to talk about three different types of accountabilities today.

The first is accountability to those who hold land title. In 2012 the County of Maui allegedly purchased 64 acres in Paukukalo, Wailuku, with the aid of the Trust for Public Land and Kauahea Inc. Whatever the intentions behind the initiative, the 996,000 acquisition five years ago ignored our family's pre-existing claims to the area as awarded by LCA 3386.

The lack of historical, legal and genealogical research into the land title established prior to the purchase shows a lack of due diligence on the part of your government's decision-makers. And although the initial proponents of the 2012 acquisition may not be present today, your current Council has an obligation to rectify their errors. Therefore, we demand that the funding be withheld from the Kaehu Project as an expression of good faith and accountability to the heirs of LCA 3386 right here today as well as to avoid future legal disputations.

A second accountability is to taxpayers. When the current $75,000 funding request on the budget is combined with the 996,000 spent on acquisition in 2012, a total of 1,071,000 from your citizenry's taxes will have been spent on a project mired in land title fraud. Your Council has a responsibility to make this issue transparent to its taxpayers, who's money is being allocated for unlawful processes.

The last . . . in accountability to the cultural practitioners in the project. I want to state on record that we recognize as a family the Hawaiian cultural practitioners who have been promised a safe space at Kaehu for the restoration of kanaka maoli ike ku`una. The ohana affirms and encourages the restoration of Hawaiian cultural practices on our ancestral lands. Under different circumstances we would have been the ones responsible for providing the labor and materials to build the structures that they are seeking because providing for the community was the legacy of our ancestor Pehuino.

Unfortunately, divide and conquer is a long-standing strategy of colonization which leaves all kanaka maoli as casualties in the end. And so in response we want them, the cultural practitioners to join us as fellow victims of an unjust process, to refuse funding to a project that has not done its due diligence. To join us in uniting and healing, and moving forward.

*(Spoke in Hawaiian.)*

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

Mr. Clerk.

COUNTY CLERK: Next testifier is Laura Johnson, to be followed by Charles Rapozo.

MS. LAURA JOHNSON, [testifying on Bill No. 65 (2017)]:

Aloha. My name is Lala Johnson, I'm here gratefully and graciously standing before you to share my testimony and once again. Also I would like to start off, those were my two children, how grateful I am, you know, just, I am very grateful that I came from goodly parents. And from my goodly parents is my mother, who passed away when I was just eight years old.

But because of this land that we are at, because we have our ohana still there, and because of their support, I was able to heal there on this land because of my mother's passing. But because of who she was, as well as her sisters, her tutu and all of my cousins, and you can see them here, and all of our ohana, that because of that and what we were taught, to be together and to stand together for truth and that is what we were taught from our tutu.

And so we stand here in support of each other that you oppose this grant. And we're not opposing any cultural practices because that wouldn't make us who we are and what we were brought up to be. And therefore, I come before you pleading that you oppose this grant.

And, I also am so grateful for my ohana that's back there for being here. And for having that courage to have a voice in all of this because they all have talent and gifts that were given to them to become practitioners as well. So we stand on this ground being practitioners as well and to have these gifts and these talents given to us by our ancestors.

I also would like to be, I'm also grateful for all those supporters who signed our petition as you see. And, and this is how we know that we're not standing alone, but there are others who stand behind us and believe what we believe in and how grateful we are for them as well.

And we are grateful for, for all of you for also listening to our plea and for what we have to say because it has to be said. This is our voice and we stand here as a family and we will continue to stand. Thank you very much.

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

Thank you for being here this morning.

Mr. Clerk.

COUNTY CLERK: Next testifier is Charles Namauu Rapozo, to be followed by Ava Mae Luana Kin Choy.

MR. CHARLES NAMAUU RAPOZO, [testifying on Bill No. 65 (2017)]:

Councilmembers. Not all of us keiki o ka aina. Aloha. I am the grandson of the late Charles Namauu and Rachel Kanakaokai, who's lineage dates back to our tutu man Pehuino. And in view of the time, I notice we have, try to keep it brief and to the point.

My late grandma, a widow, when our grandpa passed away in 1950, raised me since 1946 with ten to fifteen other children be they blood or hanai, as well as ten to twenty adult aunties and uncles coming and leaving when they got back on their feet. As a result, our home was indeed a refuge of many, besides the other families living nearby related to us as well. So literally I was raised on the shores of Waiehu near the river where the Maluhia Church presently stands.

I graduated from Waihee School, where I was for eight years. Then from the Kamehameha School for Boys in 1964 at Oahu. My career led me to the Honolulu Police Department, then returning home to Maui Police Department where I served and concluded my career 25 years of service at an early age.

Presently, I'm employed as a law enforcement officer at the Kahului Airport continuing to serve our community for another 30 years and also on the Maui Boys Scouts of America Council as a District Commissioner for the same amount of years. Why, it's

like all of you, because I too want to give back to those who had a great influence on my life till today in this community.

Though I reside with my wife and family at the Waiohuli Homestead in Kula, now having made that choice when we returned home to Maui early in my career as a police officer as a result of witnessing the tidal wave numerous times while living at Waiehu. Having said that, this is another reason to consider in your decisions Members of this Council, when my ohana Namauu. And may I conclude, mahalo to all of you. Foremost to Ke Akua and to conclude with this. He wa`a he moku, he moku he wa`a. Mahalo.

CHAIR WHITE: Thank you, Mr. Rapozo.

Members, any need for clarification. Thank you very much for being here this morning.

Mr. Clerk.

COUNTY CLERK: Next testifier is Ava Mae Luana Kin Choy, testifying on Bill 65, to be followed by Kevin K. Brown.

MS. AVA MAE LUANA KIN CHOY, [testifying on Bill No. 65 (2017)]:

Hello, good morning. Hi my name is Luana, you may call me. I don't know if you can see my phone but this is a picture of where we're talking about. And this is what we call "Churches", if you're familiar. Okay.

I live at 66 Lower Waiehu Beach Road, which is two houses away from this beautiful place. The reason I'm here today is to support the family who owns this beautiful place, and that is Pehuino, okay. And I understand that there is a grant that was requested for a structure, building for said person, a little bit down the bay. I'm not fully informed about this but I'm here to support this family to say no, do not give the money for this cause. Where this place is, and where we live is beautiful. This family has had it in their, for generations.

And, we love it. We would love to, like I, I act like that's my own as well cause I'm there every day. But we want to share it of course with others, and so with the cultural practitioners, etc. But there's a protocol and there's a respect, this, this place has been in their family for years.

And I think that, that should be noted and yes, there is a discrepancy in the past agreements that were said about this property, of which we're speaking of and that

should also be addressed as we go forward. So, in closing I would just say thank you for letting me speak, and for the family definitely support them. Thank you.

CHAIR WHITE: Thank you, Ms. Kin Choy.

Members, any need for clarification?

Seeing none, Mr. Clerk.

COUNTY CLERK: Next testifier is Kevin K. Brown, to be followed by Harry Brown.

MR. KEVIN K. BROWN, [testifying on Bill No. 65 (2017)]:

Good morning, aloha. It's so good to see old friends here and to our Chair we'd like to say good morning.

CHAIR WHITE: Aloha.

MR. BROWN: And in behalf of the, our family here, we're here to, to talk about Bill 65 and I think the best way to do it is, cause I know we only have so many minutes to speak, so, my grandfather, my father is Harry Brown, his dad is Jack Brown, my grandmother is Hattie Kahakauila Kanakaokai, her dad was Solomon Kanakaokai, her mom was Kaumoalii Pahuino and Kaumoalii's father was Kealoha Pahuino and so this land has been in our family for seven generations.

And, you know, sooner or later we, we figured things was going to happen and, and now it is and we're here to, to ask you if you could, you could stop. I know that there was a grant that was asked for 75,000 to build a culture center on our family land. And we not against the cultural center because I think that's part of who we are. And, but I think because there, there were other things that were built on the land and now this is the third structure that wants to be put on the land.

So, I think we just wanted it to, I think, we need to, there's a line that needs to be drawn. And I think if they, they came and, and talk story with us, you know, you know, we're a humble family, you know, and if they came and talked, maybe we could have worked things out. But when you just come to somebody's yard and, and want to build, and, you know, not going through the proper procedure, then, then we end up coming in here to, to resolve this problem. But anyway, that's what I wanted to leave with all of you and if you can stop the, the grant for 75,000 to, to be built on our family land. Thank you very much.

CHAIR WHITE: Thank you, Mr. Brown.

COUNCILMEMBER ATAY: Chair.

CHAIR WHITE: Members, any questions?

Mr. Atay.

COUNCILMEMBER ATAY: Good morning, Kevin.

I just wanted to get clarification that, the land, I'm confused, because an earlier testifier said "Churches".

MR. BROWN: Yeah.

COUNCILMEMBER ATAY: But I'm understanding the land when they say Kaehu Bay is by River Mouth.

MR. BROWN: Yes, yes.

COUNCILMEMBER ATAY: So that's like about--

MR. BROWN: You talking almost um--

COUNCILMEMBER ATAY: --just short of a mile or how far?

MR. BROWN: Well you talking almost 60 acres, maybe.

COUNCILMEMBER ATAY: Yeah.

MR. BROWN: Yeah, so right now it's where the PC Trading Post is, you come down across Hawaiian Homes, that road coming there. If you coming down that road it's on the left hand side, down to Churches, to Maluhia.

COUNCILMEMBER ATAY: Right.

MR. BROWN: Yeah, it's a, the family property.

COUNCILMEMBER ATAY: Okay, thank you.

MR. BROWN: Okay.

CHAIR WHITE: Thank you very much, Mr.

MR. BROWN: Okay, thank you.

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

COUNCILMEMBER GUZMAN: I just want to follow-up with Mr. Atay's question. So that would be approximately, what is the, the approximate or estimated acreage of the family land.

MR. BROWN: You know, I'm just a musician, I'm not a da kine. But--

COUNCILMEMBER HOKAMA: A good one.

MR. BROWN: Maybe, maybe my family members that will be coming up--

COUNCILMEMBER GUZMAN: Okay, yeah.

MR. BROWN: --probably would know actually.

COUNCILMEMBER GUZMAN: So it's just, correct me if I'm wrong, is it, is it just a section of the, of the totality of the, the property.

MR. BROWN: Yes, right now, right now it's just a section. Right now. But then we are afraid from that small little piece of pie it's, it's probably going to expand, so.

COUNCILMEMBER GUZMAN: Okay, and then--

MR. BROWN: My, my--

CHAIR WHITE: No, he, he can't, he can't testify again--

MR. BROWN: Okay, okay, okay.

CHAIR WHITE: --but you can, you can share with us what he has mentioned to you.

MR. BROWN: Okay, I was pretty close, my nephew said it's 64 acres and so it is where, where they want to build it is part of our, the 64 acres.

COUNCILMEMBER GUZMAN: Again, when you say build, are you saying that they're, that wasn't my understanding that this 75,000 was to build anything. It was actually for--

MR. BROWN: Well it was to, I'm sorry it was to make a cultural center.

COUNCILMEMBER GUZMAN: Oh, that's news to me.

MR. BROWN: Yeah.

COUNCILMEMBER GUZMAN: I, I haven't heard that.

MR. BROWN: Because, there is one section that they put up four 40-foot telephone poles and then they put nets so the children could come and, you know, I guess to, to climb to get their fears out. And you know those nets you can climb and. But, but there is no safety nets at the bottom. And, also the poles were built on what they call swamp land, which they covered it up. And so now the telephone poles are leaning because the fresh water spring is starting to come up. So now they, you cannot use those, that activity place anymore. And so they built another taro patch that's not too far from the telephone poles and then now they asking for 75,000 to build a cultural center.

COUNCILMEMBER GUZMAN: Okay.

MR. BROWN: And so we thought maybe it was time to, for them to come and see the families and--

COUNCILMEMBER GUZMAN: Okay, thank you, Chair. I, it was my understanding under the grant is for care and maintenance of the entire property. So, thank you.

CHAIR WHITE: I think that's, that's the understanding that I believe most of us have.

COUNCILMEMBER GUZMAN: Yeah, thank you.

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

MR. BROWN: Thank you very much. Thank you.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Next testifier is Harry Brown, to be followed Donna Brown.

MR. HARRY BROWN, [testifying on Bill No. 65 (2017)]:

Aloha. My name is Harry Brown, I'm the older brother of Kevin. And I'm speaking in behalf and support of our family in not funding this money for your understanding of what you think is just for the maintenance and care of that place, $75,000. Keep the money. Keep the money. We can take care, we are taking care of our place as it is.

Our fear is that things will come out beyond that. We already have the title to that place. We are the heirs, we are. My grandmother Hattie Kahauwila Kanakaokai, who took care of me, who raised me. It is her mother and all of the brothers and sisters that connect to the Pahuino, that's me. I might be Brown, in color and in name, but I'm also a Pahuino.

I live there in Waiehu. I live there now. Our families have lived there for generations and we still live there. We still there, we haven't moved, we still there. I have all my cousins there. I was, that was my playground to meet with all the rest of my cousins, the Namauu's, the Maiu's, the Kaluau's, the Aperto's, the Miller's, everybody that's there is all my ohana. I was baptized there on the beach there. That's my brother's favorite he`e ground too. He go over there for fishing.

Have you folks been there? Have any of you been there? I'm not talking about the rubbish place that you looking at cleaning for $75,000. I'm talking about that entire place that is ours, ours, ours, my family, me and my son. My son, I adopted him, but his blood runs in my line and his blood runs in the Pahuino's too, him. I moved away for work purposes, after 47 years retiring from the Polynesian Cultural Center. I returned back home to bring my son also, so he can be a part of that heritage that belongs, that belongs to us. So I ask you not to . . . keep the money. Thank you.

CHAIR WHITE: Thank you, Mr. Brown. Members, any need for clarification? Thank you very much for being here this morning.

Mr. Clerk.

COUNTY CLERK: Next testifier is Donna Brown, to be followed Richelle Sabino Aperto.

MS. DONNA BROWN, [testifying on Bill No. 65 (2017)]:

Aloha. My name is Donna Brown, and I married into the family. My ohana are the Opunui's from Lahaina. We are connected. My son is also part of my Opunui ohana.

We have shared some very special, special experiences at this place. We have met many times and it's a blessing to have a place to meet, where all of your family can come and enjoy not only the day, like this past weekend, but enjoy the spirit and the stories that we often take for granted. My cousin Eddie Kamae, I look up to him because he saved a lot of those stories and he taught us a lesson, that if we don't keep these stories alive, and we don't share them with our family, it dies with them.

And I believe that the more Hawaiians that can save their land and have that as a gathering place for their entire ohana to share those things is priceless. If I could just say one thing, it is I hope that you will find it in your hearts to realize that we have very little left of our Hawaiianess. But we see the resurgence and we see the hope in our, our children, like those who were here today. Because they are going to have to deal with all the, the difficulties that we see all around us and I hope that you will realize that the lands that are saved to be able to do and do our, our best at keeping the culture alive, keeping our family's stories, keeping our families together will be the savior for, for our Hawaiianess. And I thank you.

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

Mr. Clerk.

COUNTY CLERK: Next testifier is Richelle Sabino Aperto, to be followed Marlon Cordero.

MS. RICHELLE SABINO APERTO, [testifying on Bill No. 65 (2017)]:

Good morning, Members of the Maui County Council. My name is Richelle Sabino Aperto. I will be speaking on behalf of my niece, Charlsie Aperto Yayoshi from Kahului.

She has, I demand that the County Council defund the $75,000 budget for Kaehu Project LLC. We as the heirs to this land have the original title which is the LCA 3386 that goes with the Royal Patent. The original allodial title was secured in 1839 by our Tutu Kalili and Pehuino. As we stand here as heirs to the secured in, land in LCA 3386, we still have interest in this land. The land is ancient and has a lot of history. We will not give up on this land, and we will fight to continue to fight for generations to come.

As a taxpayer, I am concerned on where and what our money is being used for. Is this Kaehu LLC project funded by our taxes. And if so, why are we wasting our money on such a project when we have, when you have no allodial title to the 64 acres that the County claims to have purchased.

As a child with my four siblings, we always went there with our father. We use to always have fun with our cousins when we have parties and reunions. This is where I saw how they cooked the pua`a in the imu for the first time, which is very interesting. We will go down to the beach, catch tadpoles, watch my dad and uncle surf, these were some of the best memories as a child.

Now as a mother of three beautiful children that God had blessed me with, I want my children to have the same experience and build memories here like we all did. They love to camp, have parties, play with their cousins. This is where the family all comes together, relaxed and enjoy each other's company.

There are many times we sit around the campfires talking stories about the land, what means to be part of it and learn the history of the land and pass it down. I feel that this land should stay how it is, it's a beautiful part of Maui that we don't want anything to be, be built upon. I learned in the, I learned the genealogy of our ohana, I still have a lot to learn. I will eventually teach my children as two of them are here today to watch and learn from this experience.

We are, we are gone, when we are gone, they will continue to fight along with their cousins that are here today. We as the heirs to this land will never give up what is rightfully ours. So for this reason again, I demand that the Maui County Council defund that $75,000 budget for Keahu Project LLC. Mahalo nui loa.

CHAIR WHITE: Thank you very much for being here this morning, Ms. Aperto. Members, any need for clarification?

Seeing none, Mr. Clerk.

COUNTY CLERK: Next testifier is Marlon Cordero, to be followed Chuck Miller.

MR. MARLON CORDERO, [testifying on Bill No. 65 (2017)]:

Good morning, Maui County Council. Aloha. My name is Marlon Cordero and I speak on behalf of my lovely family and ohana and my wife Kealohalani Aperto, from Wailuku, Maui.

I demand that the County Council divest and defund the 75,000 budget for Kaehu LLC Project. I demand that this project not to go through because I myself was brought up here and so was my other four siblings. We have the most memories here on this land and our ohana. We have get-togethers, campings, doing bonfires, and my aunties and uncles would tell us stories about the ohana land.

It is precious to all of us and we do not want to have anything built on this land, it's so beautiful to be built on. Days that our families and members come down there to relax and ease their minds and it's comforting when you go down there.

I as a kid use to like coming down there to swim by the river and catch tadpoles just like my siblings and cousins love to do also. We all enjoy each other's company when we have get-togethers down there. I also would love my five children to make memories here like how I did with my siblings and cousins. This land could be passed down generations to generations to come. My kids love going there to play with their cousins and love to go into the river mouth and swim and catch the fish and tadpoles.

And love to see their Uncle Boysie, he is the one who takes care of the land there. This is beautiful land and has lots and lots of history. I say on behalf of, you know, the Council and my family I have five beautiful children and one is just a month over there and we would love, we have beautiful gettogethers there. It is so precious, it really is.

This is sacred and I do believe the decisions we make, build a future and our generations to come have a lot to learn. We, we trade stories, we build character, we build history. We share things that we love, we know, and we trust and, and we look for our future generations to come. So I say, you know, from my heart and our ohana, for you guys to make the right decision on not to fund and build on this land. I believe that it's precious to us and the ohana and we are very, very thankful for you guys listening. Thank you.

CHAIR WHITE: Thank you very much, Mr. Cordero. Members, any need for clarification? Seeing none, appreciate your being here this morning.

Mr. Clerk.

COUNTY CLERK: Next testifier is Chuck Miller, to be followed Kelly Aperto.

MR. CHUCK MILLER, [testifying on Bill No. 65 (2017)]:

Aloha kakahiaka kakou. My name is Chuck Miller, and I am a descendant of Pehuino. As a cultural practitioner and teacher of Hawaiian lomi, I have hosted several classes and workshops on our land and I'm concerned about my practices being encumbered. My family has established tradition of practicing healing arts including la`au lapa`au, la`au kahea, and lomi massage. Together, we work with the community to strengthen the spiritual mana and relations created between kanaka and the aina as part of our kuleana.

I remember, growing up, my mom telling us stories about the land that we were on and how sacred it was. About two years ago, we did some cultural practice with Uncle Mike Lee from Oahu and we were paying tribute to a mo`o that's down by our place. And I invited two Native American friends to come and one of 'um she had some problems with her menstrual cycle and as we were doing the practices, she told me that she felt the energy of the mo`o come up into her body and take that pain away from her. So we're still doing our cultural practices.

I am asking the Council to defund the project and funding of Kaehu, the Kaehu Project. Yeah, mahalo.

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

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Aloha and mahalo for being here.

MR. MILLER: Aloha.

COUNCILMEMBER CRIVELLO: Are you still able to do your cultural practice as a practitioner because of this division, or what have you. But you're still able to practice it--

MR. MILLER: Yeah, I, I--

COUNCILMEMBER CRIVELLO: --on the land.

MR. MILLER: --a little, yeah.

COUNCILMEMBER CRIVELLO: So nobody is depriving you of that--

MR. MILLER: No, not now, not right now.

COUNCILMEMBER CRIVELLO: --that . . . said you're allowed. Okay, thank you.

CHAIR WHITE: Thank you, Mr. Miller.

Mr. Clerk.

COUNTY CLERK: Next testifier is Kelly Aperto. And just as a reminder, all of the testifiers testifying on Bill 65, to be followed by Kulea Johnson.

MS. KELLY APERTO, [testifying on Bill No. 65 (2017)]:

Good morning, everybody. Aloha kakahiaka. My name is Kelly Aperto.

CHAIR WHITE: You can, you can move the mic, you can move the microphone up.

MS. APERTO: My name is Kelly Aperto, and I was the one that started the heiau many, many years ago. And it was for the lady mo`o that I came in contact with many years ago in a dream and she asked me to help her. And so, when I went to the outside and I found the rock, and the rock, when I picked it up it was so light, like balsawood. But when I placed it where it is today, it, I had to build a heiau to protect her.

And ever since then, I'm the healer at that heiau. I do healing and my healing is not like today's healing. I speak in a different language, it's a hidden language and it's only between my father and myself. And he tells me how to heal the person and he gives me the sight to see. And, when I do my healing there, sometimes a lot of the energy that I take out on people it's still in me so when I place my piko on this particular rock that's in the heiau, she helps me to draw all this negative things out. So, when I do my practice I go there just to meditate, and as I'm meditating, I'm just clipping all the grass and she's talking with me in spirit.

And also we do, I do spiritual teaching as well and I talk about the area and the purpose of the area. It's very, very spiritual. It was from the time when Kamehameha brought his whole troop over there to practice the defense, you know, the fighting, the healing, practicing about all the cultures. And, I just wanted to share this time with you folks so that you folks have a great understanding. And I hope and pray that you folks will deny that bill, please. I say that in Jesus holy name, and by the power of thy holy spirit. Thank you very much. Mahalo.

CHAIR WHITE: Thank you, Ms. Aperto. Members, any need for clarification. If not, thank you for being here this morning.

Mr. Clerk.

COUNTY CLERK: Next testifier is Kulea Johnson, to be followed by Johanna Kamaunu.

MS. KULEA JOHNSON, [testifying on Bill No. 65 (2017)]:

Hello, my name is Kulea Johnson speaking in behalf of five young boys named Troy the age of 7, Awe the age of 6, Masa the age of 10, Yasong the age of 8, and Shylo the age of 8 also. These five young boys were told of the incident and easily understood the importance of both the project and the land. However, they have briefly responded to the matter and want to bring their opinion to your attention.

At the age of 6 years old, Troy Maio has made many memories down at Waiehu. He told me of how jumping into the river gives him adrenaline and excitement, making, making him as happy as can be, also known as a healing process. This healing process gives him a wanting to come back for more, and more.

In the process of asking these five young boys about the situation, Awe Maio had so much sorrow, he started to cry and telling me how he has gotten to know the land and feeling comfortable with it's presence. He started to name all the many games he had played while down at Waiehu, and how he doesn't want it to go away. The comforting feeling of knowing the presence of our home, our family, our river, our Waiehu land should never ever go away.

Masa Yayoshi, the oldest out of all of the boys was very specific in words to describe his experience at Waiehu. Activities like kayaking in the river, competitions for skipping rocks, swimming, fishing, and being able to see the stars from his location. It's beautiful land and viewing, having be to God's creation. How we should nourish it with plentiful memories and never disrespect it.

Yasong might be a small man, but he is full of memories from Waiehu. He loves playing in the river with his cousins. He couldn't recall one bad incident in the river at Waiehu. He has yet to make many more memories.

Last of all is Shylo Delapinia Miller. Waiehu is his second home. He has been there so many times he can't even recall the amount of visits. He loves the land dearly with all his might and soul. He loves, sorry, the land provided him games, fun memories, guidance, but most importantly a forever home. A home he can feel comfortable in. A home he can go to when he need anything, a forever home.

All these boys including me believe this land isn't just dirt with grass and bushes on it. It isn't just a place, it isn't just a place filled with rocks, it's a forever home, a home for all of us. Thank you.

CHAIR WHITE: Thank you very much for coming this morning, Ms. Johnson. Members, any need for clarification.

COUNCILMEMBER ATAY: Chair.

CHAIR WHITE: Yes, Mr. Atay.

COUNCILMEMBER ATAY: I just want clarification. So when you say the boys jump in the river, is it Waiehu River by Churches or is it Wailuku River by River Mouth.

MS. JOHNSON: Both.

COUNCILMEMBER ATAY: Both, okay.

CHAIR WHITE: Okay, anything else? Thank you for very much for being here.

Mr. Clerk.

COUNTY CLERK: Next testifier is Johanna Kamaunu, to be followed by Kaniloa Kamaunu.

MS. JOHANNA KAMAUNU, [testifying on Bill No. 65 (2017)]:

Good morning, Members. I so appreciate technology, when the batteries are fully charged. Unfortunately mines just died, so I'm winging this part of it.

Last time I visited you, I reminded you of what it would be like to have a yellow ginger flower or plant growing in your yard. I have lots, but they are relegated to one side, mainly because the most, even though they're so beautiful, the, the destructive part of the ginger is its roots. And before I make the connection to the roots in this situation, they tend to grow out of hand. And they will choke out almost anything that grows around it. And sometimes, even itself.

The situation I'm seeing here has to deal with a meeting that the Council entertained back in 2001, in December, in which Mr. Carroll and Mr. Hokama, were the, I guess the only Members at the time. Mr. Nishiki brought forward an ordinance, or a bill that would make it so that the State, the County could acquire right of ways and parcels in a more humane way, I think that was the objective. But if I remember, as I'm reading this, it's telling me that it was meant to acquire passage over roads that might lead to properties that the County was purchasing.

Well in this particular instance, you have a huge parcel, for which it appears this ordinance is being applied to. There were several Apanas in this parcel that belonged to Pehuino, that has been included in the purchase of this property. I was really concerned as to how that took place. And you can hear the concern in the families today. Many of them for the first time are coming forward and they're nervous and they're afraid. And so sometimes we make demands in those kinds of situations.

But the thing is they don't understand how the County could have arranged a situation that deprived them of their property. And yes, they have been told to stop, they have been told not to come there. They have had the chains cut on the access gates by, I don't know if I should foot names but, the Kaehu Bay LLC has been there, Duke Sevilla has been there to tell them stop. So, for over 10 years I know Henry has been challenging this and yet we have not had, they have not had an opportunity.

Sorry, but that's, that's kind of where I'm at right now. I think there's something that needs to be looked. And as to the roots, I think you can guess already, County government or the powers that be that afford this plant to grow, they are the roots and they're choking out the life of the land, which are the people. Thank you.

CHAIR WHITE: Thank you for very much, Ms. Kamaunu. Members, any need for clarification? Thank you for being here this morning.

Mr. Clerk.

COUNTY CLERK: Next testifier is Kaniloa Kamaunu, to be followed by Sandra-Lene K. Kealoha-Apolo.

MR. KANILOA KAMAUNU, [testifying on Bill No. 65 (2017)]:

Good morning, Council and Chair. This morning, of course I'm with the family of Waiehu and I come with a, a memo that was forwarded by Corp. Counsel in, on February 19, 2013 to Ms. Cochran's, Ms. Cochran's office. And as I read through this document, some things were quite alarming. The document states that all the information that's on here refers to TMK: 3-3-001 and that all information was to declare this to be the title of this property. But to be able to determine the title, they used the original titles of those areas. They do not refer to the TMK and so you inventory, like I said last time, only introduces these things.

But when you read the, the, the memo, the thing that comes to question, this says "whether said interests were included". That's brings an alarm because "whether" means there's doubt. So whatever information to describe the TMK that you purchase

from Northshore Realty come into question. What is the "whether"? Why is it there? If Corp. Counsel can't define it, what does it mean. It brings into question what do you have.

And on the bottom, it also says that the County Council at the time became aware of the following quiet title actions affecting the TMK. It doesn't explain what quiet titles. The quiet titles that, that was produced by your Circuit Court, or the quiet title action done in the Kingdom. There is no specification to or clarity of what he's mentioning. But he goes on to mention all the documents of the Kingdom. Now these documents belong to the Kingdom, these titles were given by the Kingdom, adjudicated in their, in their realm, I should say, for lack of a better word.

But it also goes on to say that the title company, First American Title, and this is kind of alarming too, it says "remove the exception to title". When you look up what exception to title is, you talking about any other encumbrances to that title. Also meaning existing deeds, unless you can prove to me that the County or United States of America has a right to go around an adjudication and to extinguish the original title cause if you look on this memo, it states original title to describe the TMK. Thank you.

CHAIR WHITE: Thank you for very much for your testimony this morning. Members, any need for clarification? Thank you for your manao.

Mr. Clerk.

COUNTY CLERK: Next testifier is Sandra-Lene K. Kealoha-Apolo, to be followed by Joyclynn Costa.

MS. SANDRA-LENE K. KEALOHA-APOLO, [testifying on Bill No. 65 (2017)]:

Aloha. My name is Sandra-Lene K. Kealoha-Apolo. I come from a family, a very big family. My dad's dad came from 21 children. My dad came from 18 children. I come from 15 children. I'm the youngest of 15, and yet my mom was the only child. I was raised in Waihee by the bridge. Until now, I live there, seven generations later, we're still there.

I have been in a similar, very familiar situation when it comes to family land because my family has been put in court by the State, by the County, and by families on the outside. We have fought the system for eight years, eight years, without a lawyer, just my family, we fought the system. Eight years later, what we told the Judge, the judgement was what we told him, that we are the family of the land, we inherited the land from our great grandparents.

Growing up, my mom, my grandparents taught us one thing, have respect for your elders no matter what the situation is. Going through court, it really tested me that respect. But yet, I did give respect. I also expected respect back from them. I almost got arrested by the Judge because of that. I expected the lawyer to treat my family and I with respect, the same way how you guys expect respect from us.

I've taught my nieces and my nephews about genealogy, how important it is to know your genealogy because genealogy connects you with your land. I have taught them to be humble, although sometimes it's not easy.

I come from a, my mom was married twice, my dad was married twice. We were taught never a step or half, we either brothers or sisters, that's it. And we were raised that way. I've lost my brothers, I have lost many brothers and I lost many sisters. Throughout that time our family stuck together through it all. I see what the family here in Lower Waiehu is going through and I feel for them.

My brother them being older than I, they know more than I, I'm just learning. And I'm so proud that I'm learning it now because what I learn I will share with the rest of my family and I just ask from you guys, give us the same respect that you want because that's how we were taught, respect. That's all we ask, just respect us for what the choices we made, what choices that was given to us. We're not asking you, we're telling you, give us that respect. Thank you.

CHAIR WHITE: Thank you very much for being here this morning. Members, any need for clarification?

Seeing none, Mr. Clerk.

COUNTY CLERK: Next testifier Joyclynn Costa.

MS. JOYCLYNN COSTA, [testifying on Bill No. 65 (2017)]:

Good morning, Chair. Good morning, Councilmembers. I want to kind of Segway on what Kaniloa Kamaunu was talking about. Within this document, the so-called transfer, there is legal description. The legal description does not talk about TMK, it talks about Royal Patents and Land Commission Award. And I will charge for you folks to reach into your Oath of Office at this time. In this document, it does not say anything about Land Commission Award 8836, which is what the families are talking about. So how is it that they are being injured at this point, being trespassed upon and being harassed, total harassment.

I would like to also charge you with your Oath of Office so you do not do any jurisdictional trespass. These particular legal documents, descriptions were already quieted. Land Commission Awards, that is the title. Within your office of oath, you are upheld by the Constitution of the United States. Within the Constitution of the United States there is a section called the separation of powers. Within the section of separation of powers there is a "Doctrine of Political Question". Within that doctrine, you cannot trespass upon a property that was created from another country.

Now I'm not here to dispute whether our country, Kingdom of Hawaii exists. What I am however, wanting to inform you is the document that you are now trying to make decisions upon was created from another country. And it is stated within these documents, it's recognized as Land Commission Award.

So look within your oath so as not to injure both the family and yourself against your oath. Look into the "Doctrine of Political Question" and ask yourself if you really can move forward with this particular action. I'm not against cultural programs, that's wonderful, wonderful. But the families are being injured at this point. They found that they need to, they are, it is necessary for them to take times out of their, their day with their family, with their work, and protect what is rightfully theirs. And why is that so. It should be pretty simple, and cut forward. It's the law.

So there was an ordinance that was passed that if there is any type of cloud on title or question of title, that, that this Council would not act upon it. Go back into your Charter and find it. I know there was a property back in Lahaina when JoAnne Johnson was on the committee and it was really heartfelt when they said you know, there's families, this is a family property, so we'll acquire it, when the family comes back we going give it back to them. I don't know if any of you guys remember that. But this particular family, they're not even on this document, not even on this document, so please look into it. Thank you.

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

Mr. Clerk.

COUNTY CLERK: Mr. Chair, there is no further individuals signed up to testify in the Council chamber. If there is any additional individuals in the Council chamber or 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?

(Councilmember Crivello was excused from the meeting at 10:25 a.m.)

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 on Lanai.

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

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

COUNTY CLERK: Thank you.

Mr. Chair, there is no other individual in the District Offices nor the chamber that wish to offer testimony.

CHAIR WHITE: Thank you, Mr. Clerk.

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

MEMBERS VOICED NO OBJECTION.

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

1. Chucky Miller;
2. Kelly Aperto;
3. Cameron Mahealani Ahia;
4. Bernadine Maio;
5. Kaehu Bay Petition; and
6. Sharon Matsunaga-Berdel.

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

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you, so ordered.

Members, let's take our morning break. Please be back in your seats at 10:40. We're in recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:26 A.M., AND WAS RECONVENED AT 10:43 A.M., WITH ALL MEMBERS PRESENT; EXCEPT COUNCILMEMBER KING EXCUSED.)

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

Mr. Clerk, please proceed with the agenda.

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

## ORDINANCES

ORDINANCE NO._____
BILL NO.___56___(2017)

A BILL FOR AN ORDINANCE AMENDING THE SPECIAL PURPOSE REVENUE FUND PROVISIONS IN THE MAUI COUNTY CODE TO REQUIRE FUNDS BE SPECIFICALLY APPROPRIATED FOR EXPENDITURE IN ACCORDANCE WITH THE ANNUAL BUDGET ORDINANCE

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, if there are no objections by the Members, I would request that the Clerk bring up all bills up to and including Bill 64.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered. Thank you, Members.

Mr. Clerk.

ORDINANCE NO._____
BILL NO.___57___(2017)

A BILL FOR AN ORDINANCE RELATING TO SALARIES OF EMPLOYEES OF THE LEGISLATIVE BRANCH

ORDINANCE NO._____
BILL NO.___58___(2017)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A LOAN FROM THE STATE OF HAWAII'S CLEAN WATER STATE REVOLVING FUND FOR THE CENTRAL MAUI LANDFILL PHASE V-B EXTENSION, FISCAL YEAR 2018 BUDGET ORDINANCE

ORDINANCE NO._____
BILL NO.___59___(2017)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO INTERGOVERNMENTAL AGREEMENTS FOR LOANS FROM THE STATE OF HAWAII'S WATER POLLUTION CONTROL REVOLVING FUND FOR VARIOUS WASTEWATER PROJECTS, FISCAL YEAR 2018 BUDGET ORDINANCE

ORDINANCE NO._____
BILL NO.___60___(2017)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A LOAN FROM THE STATE OF HAWAII'S DRINKING WATER TREATMENT REVOLVING LOAN FUND FOR THE MAHINAHINA WELL #1 DEVELOPMENT FISCAL YEAR 2018 BUDGET ORDINANCE

ORDINANCE NO._____
BILL NO.___61___(2017)

A BILL FOR AN ORDINANCE AMENDING SECTION 2.44.015, MAUI COUNTY CODE, RELATING TO SALARIES OF DEPUTIES CORPORATION COUNSEL AND DEPUTIES PROSECUTING ATTORNEY

ORDINANCE NO._____
BILL NO.___62___(2017)

A BILL FOR AN ORDINANCE TO AMEND CHAPTER 14.34, MAUI COUNTY CODE, TO REPEAL THE COLLECTION AND TRANSMISSION SYSTEM PROJECT ASSESSMENT FEE

ORDINANCE NO._____
BILL NO.___63___(2017)

A BILL FOR AN ORDINANCE AUTHORIZING THE ISSUANCE OF FORTY-FOUR MILLION THREE HUNDRED FIVE THOUSAND DOLLARS ($44,305,000) AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI FOR THE PURPOSE OF PROVIDING FUNDS TO PAY ALL OR A PART OF THE COST OF APPROPRIATIONS FOR PUBLIC IMPROVEMENTS OF AND FOR THE COUNTY OF MAUI; FIXING THE FORM, DENOMINATIONS AND CERTAIN OTHER FEATURES OF SUCH BONDS AND PROVIDING FOR THEIR SALE; AUTHORIZING THE DIRECTOR OF FINANCE TO DETERMINE CERTAIN DETAILS OF THE BONDS; AUTHORIZING THE ISSUANCE AND SALE OF A LIKE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE AND SALE OF SUCH BONDS; AND PROVIDING FOR OTHER ACTIONS RELATED TO THE ISSUANCE, SALE AND DELIVERY OF SAID BONDS

ORDINANCE NO._____
BILL NO.___64___(2017)

A BILL FOR AN ORDINANCE RELATING TO THE
CAPITAL PROGRAM FOR THE FISCAL YEAR ENDING JUNE 30, 2018

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT BILLS 56 UP TO AND INCLUDING BILL 64, PASS SECOND AND FINAL READING.

COUNCILMEMBER CRIVELLO:

SECOND THE MOTION.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, very quickly. Your Budget and Finance Committee has vetted this recommendations. It has passed Council first reading by unanimous approval. Many of these are your housekeeping requirement specific to authorize the Mayor into entering into intergovernmental agreements for various loan projects of critical capital improvement projects of our various departments, adjustments to salary and wages for deputies, directors as well as for our own Council Services staff.

We are fortunate Chairman because of our strong fiscal philosophy over the last 20 years that we are able to recommend this morning, a Capital Improvement Project including borrowing that will, we believe will take our County forward in the infrastructure maintenance and improvements for critical services as mandated by the Charter of the County of Maui.

I would also take note, Chairman, that where appropriate, we are doing refinancing to save monies where appropriate. We are looking at other forms of borrowing to further lower the rates of interest and I believe that we have projected for the long-term, the continued still yet fiscal health of this County. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama. Any further discussion on these measures? Seeing none, all those in favor please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

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

Mr. Clerk.

ORDINANCE NO._____
BILL NO.___65___(2017)

A BILL FOR AN ORDINANCE RELATING TO THE
OPERATING BUDGET FOR THE COUNTY OF MAUI
FOR THE FISCAL YEAR JULY 1, 2017 TO JUNE 30, 2018

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT BILL 65 PASS SECOND AND FINAL READING.

COUNCILMEMBER CARROLL:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, AT THIS TIME I WILL MAKE A MOTION TO AMEND. MEMBERS, THIS WILL BE ON PAGE 19, ATTACHED TO THE BILL 65 (2017), THIS IS UNDER THE HEADING OF THE OFFICE OF THE MAYOR, (6) GRANTS AND DISBURSEMENTS FOR WATER AND ENVIRONMENTAL RESOURCE PROTECTION AND CONSERVATION, (3) CURRENTLY THE PROVISO READS THAT "63,000 SHALL BE FOR THE MANAGEMENT OF KAEHU BAY AND 12,000 SHALL BE FOR IMPROVEMENTS OF ACCESS ROADS AT THE KAEHU BAY PROPERTY". I, MY AMENDMENT WILL BE TO MAINTAIN THAT AND ADD THAT THE PROPOSED, "ANY PROPOSAL SHALL BE REVIEWED BY THE APPROPRIATE COUNCIL COMMITTEE, AND APPROVED BY COUNCIL RESOLUTION".

COUNCILMEMBER CARROLL:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, we have received not only at this meeting, but at first reading the Council has received some concerns of ohana members that have historical and lineage concerns regarding Keahu Bay. I've been told that the, that even that is not the appropriate name for the, for the area. So I will allow those that are ma`a about their kuleana to share that with us.

The amendment, Chairman is couple of things: (1) again to do the appropriate review by Council of some of the land concerns that have been shared with us, not only at this morning, but at previous meeting. Second there seems to be great misunderstanding of the intent. If you look at the appropriation and what was discussed at Committee, this was basically your maintenance monies to maintain the road as well as the property.

Your Committee was not told in any manner whatsoever, Mr. Chairman, that monies would be used for a construction of a brick and mortar project such as a cultural or

Hawaiian type of facility. And so there seems to be some confusion and misunderstanding of the intent of this funding.

The amendment will assure couple of things: (1) that the Council will review the concerns that has been brought up; (2) it will be required to give its final approval before expenditure of any of this proposed grant funding as provided through the proviso. And from there, Chairman, we can determine whether or not other action is required by the Council at that point in time. That is the point of this amendment and I would ask the Members to please consider supporting it. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. I think this is the appropriate action to take and it covers the concerns of the family and it also allows the applicant that applied for it to have their day in court too. So I feel this is the appropriate action. Thank you.

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

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. I want to thank Budget Chair Hokama for allowing and providing these opportunities for Council to review it further. You know, it, it pains my na`au to hear that families are still fighting over their, their right to. But I think more important, it allows us to come together with the management of the Kaehu Bay and that perhaps, you know, can have time to kukakuka as to what would be most appropriate for some means of harmony.

I appreciate the ohana that have come forward, they shared their manao with much aloha and, you know, quite pono in, in their sharing and hopes. So hopefully this will allow us to provide the opportunities that we need so that when we review it as Council, we have a better clarity to, to all of this. Thank you, Chair.

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

COUNCILMEMBER HOKAMA: Chairman.

CHAIR WHITE: I'm sorry, Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I, I feel compelled to say this at this time and forgive my, maybe my bluntness or candidness. For us today, for me today, Chairman,

this is another choice that I will make between what we call the white or the haole style of mentality versus the island way, or the local style to solve island issues. Yeah, so, we'll come from our own kuleanas, our districts. But for Lanai, like Ms. Crivello, my sister from Molokai, it does pain me, Chairman, that here again we're having a challenge, if I can use that more appropriately, within values. Island people values, versus the western way of values. And I, and I, I find it to be a lot more challenging in the 21st Century. But for us to be kamaainas, island born people, I think we need to look at the island born solutions if we believe in what we say and that is the culture. There's only one choice for me, Chairman. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

Mr. Atay.

COUNCILMEMBER ATAY: Chair, I would fully support this current amendment of Mr. Hokama. It is a solution for today to address this issue. I think we heard testimony from the descendants of Pehuino. And to honor, you know the family's request to inquire, you know, so listening to that I, I was thinking this is an issue of yesterday, or yesteryear. An issue that I think we also must address or have Corp. Counsel help us address this when you're talking about Royal Patents and Land Commission Awards of these descendant's lands.

And yet we're in the middle of this issue. I think for us to cleanly move forward to the future, we need to be clear of, of this, clearness of title, you know, for even the County to be sitting there. I've been a bit puzzled as to how a purchase could have gone forward without the clearness of title. However; it is what it is. So for today, I fully support this amendment that Mr. Hokama has offered and I hope that we will have time to prepare what is best for the future.

CHAIR WHITE: Okay, thank you. Members, we're going to take a quick recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:56 A.M., AND WAS RECONVENED AT 10:58 A.M., WITH ALL MEMBERS PRESENT; EXCEPT COUNCILMEMBER KING EXCUSED.)

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. There is a motion I need to make, so you need to make a ruling Chairman, whether you want to table the current motion on

the floor or have it rescinded and then allow me to make a more appropriate procedural motion at this time.

CHAIR WHITE: Let's just table the, the motion and then it will allow us to take up the appropriate motion.

COUNCILMEMBER HOKAMA: Okay, yeah, with no objections from the Members.

MEMBERS VOICED NO OBJECTION.

COUNCILMEMBER HOKAMA: Thank you.

MEMBERS, AT THIS TIME I MOVE TO WAIVE THE RULES OF THE COUNCIL THAT REQUIRES POSTING AND REFERRAL AND RECOMMENDATION TO COUNCIL AT THIS POINT IN TIME.

COUNCILMEMBER CARROLL:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, if Council agrees to the waiving of the Rules by this motion it will allow Council then to take up the amendment as stated earlier and then make final decision on today's meeting for, to meet Charter requirements or deadlines. Thank you, Chairman.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. So we're back on the motion as amended. I would ask the Members if there's questions, to please forward it. Other than that I would ask for their support in moving this forward. Thank you.

CHAIR WHITE: Okay, any further discussion?

You know, the Chair will just add that, you know, for me this is a question of, of kuleana. Because we have the family members who have been utilizing this area for many years. We have folks that are actually living there and providing the level of stewardship that simply cannot be provided by somebody who is not there. You know, I think we all have properties that we have experienced over our lives where there is responsibility to care for a place and the most appropriate and effective caring for a place is by being present and watching over it.

So this is a situation, I think we're taking the right step, we're taking a step back and allowing the families the opportunity to come, come and share with us the challenges that they're having. And it's not, not all the decisions are in our hands, but I think it's appropriate for us to take the action that Mr. Hokama has recommended.

So if there's no further discussion, I'll call for the vote. All those in favor, please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

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

Mr. Clerk.

COUNTY CLERK: Mr. Chair, there is no further business--

COUNCILMEMBER HOKAMA: Chairman, Chairman. We're back on the main motion as amended.

CHAIR WHITE: Oh, I'm sorry.

COUNTY CLERK: Main motion.

CHAIR WHITE: Yeah, back to the main motion on the budget.

COUNCILMEMBER HOKAMA: Chairman.

CHAIR WHITE: Any further discussion on the main motion.

COUNCILMEMBER HOKAMA: I would, I'll ask to allow any Member to share their thoughts at this time and I would ask the privilege of the Chair to be the last to speak.

CHAIR WHITE: Thank you. Any discussion on the main motion, Members. Seeing none.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. I guess we're speaking about the overall budget.

CHAIR WHITE: Correct.

COUNCILMEMBER SUGIMURA: And I just want the share the experience as a brand new Member, being, really being in office just four months. I'd like to thank the other Councilmembers for their patience. As a new Member, some of my questions may be, have been redundant for them, appreciate that.

We have gone through many, many hours of, of going through the budget line by line and I want to say just coming back from National Association of Counties and talking to some of the other municipalities on the West Coast, how proud I am to be part of this, this Council and, and the kind of issues that we're taking up. And I proudly stand with all of you behind this budget as we are able to move our County forward.

I know that some of the things that I, I, if you allow me to, I just wanted to say that for the Upcountry area, thank you very much for allowing the Upcountry Skate Park Project to proceed with the additional 200,000 needed for 1.2 million total for the Pukalani project.

And also kind of, I think with many of you who may have received, always I get questions about what number or how I'm doing in terms of the water meter list. And thank you for the support for putting in 900,000 into the Water Department to see if we could get this water meter list moving faster. And I would like to thank my fellow Councilmember Alika Atay for the Water Chair, to be receiving quarterly reports from them so that we can see how we're proceeding on the water meter list. On that I have one of my favorite projects which is the Hui Noeau, number 1600 on the water meter list, I want to see how quickly we can get to them.

And, thank you for the other, other appropriations like the Waipoli Ditch Improvement Project which is a total of 1.6 million which is the project by the Rice Park. The, there are many others but I, I wanted just to thank all of you. I support this bill and I want to thank our Chair for leading us through this process, I know it's a tedious process and, but I probably can say that, you know, we tried to do as much as we could.

I, I also want to just close with, I've been getting emails from, I, I appreciate the 2600 employees of the County, and in our fee structure we have increased parking fees around the, you know, our campus. And I've gotten emails from people and, and I want to, I sat up, I sat and thought about it cause I've been at places where I had to pay $200 a month for park, monthly parking fees and you know whatever. And I know it's a, it's an inconvenience, but a necessary one if you drive a car.

And so I thought about it and I just thought what we did as a Council, what did we do to support them and I just thought for all employees, our employee Health Fund was raised by 9.1 percent, I'm glad that we could do that. Our Employee Retirement System, 18 percent increase for all employees and additional 28 for Fire, Police and Corrections Officer. And, and these are kind of things that I think are broader strokes of how we support our employees. And I just want them to know that we appreciate all the work that they do and that they truly are the aloha commissioners for us as they treat our community with their care and custody. And I just wanted to let them know that we did hear, you know, their concerns. So thank you, Chair.

CHAIR WHITE: Thank you, Ms. Sugimura. Any further discussion, Members, before we go to Mr. Hokama.

Seeing none, Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. As you know, Mr. Chairman, it wasn't an easy year for your Members when it came to the budget. We had daily challenges. I'm still having challenges with amendments being asked by departments. But I believe we have moved this County forward, specific with our implementation of the "A", "B", and "C" accounts. The departments are going to have to learn to live with it and respond, or we'll find other people who can do the job for us.

We have been met with a lot of unforeseen demands, Chairman. It's, by no coincident it comes from the State of Hawaii. But, your Committee, this County has been able to rise and meet that challenge because our fiscal discipline, Chairman, of decades, to be able to respond as to provide for this community.

I can tell you some of our sister counties would have approached the demands of access regarding the health benefits, the retirement system, by reducing employees because that would be their only solution. The inability to raise revenue, we got to reduce overhead. And we have, our sister counties across the country that have had to make the painful choice of reducing services and eliminating positions. We are not there. Thank goodness we are able to respond and find millions of dollars more that the tax base is being asked to provide since we have a lack of fiscal leadership at the State level.

And I say that Chairman, because I cannot for the life of me see where they're heading in their fiscal philosophy. It's not good enough to just deal with this one session. They have to have a plan to meet the fiscal challenges of this growing State. And raiding the County's sources of revenue generation is not the answer. It's a very shortsighted, short-term solution, oh it's not even a solution Chairman, they're just buying time, trying to find a solution.

For your Council, Mr. Chairman, I would say we have been blessed by a community that has been willing to pay. And we've increased revenues quite a bit, by their request of services and programs, projects and adjustments. We still believe the homeowners; the residents of this County believe a certain status in our tax structure. For many that are both a businessman and a resident homeowner, we have made a philosophical choice of scores of years to protect the homeowner resident class. It's not by luck, Mr. Chairman, it is a well-designed conscious decision on the part of Council on how to approach taxation of this County.

I would say that our challenges regarding the community plans, whether or not the current zoning categories are appropriate and the Planning Department needs to make adjustments. Finance, with Real Property Administration and whether or not the

categories, classification or pit codes is sufficient to the meet the ever-changing zoning components or land use permitted uses, we are going to need to tackle that. We cannot keep budgeting and doing land use by permits or conditional short-term solutions, Chairman. We must have a plan.

We have approached things differently and at NACo as Ms. Sugimura mentioned, I can tell you, we are being applauded for being able to look down the road, by noticing that the gas tax is not the long-term solution for either the Federal government, State government or the municipalities. They were quite pleasantly surprised, and I was surprised and from my side they didn't take into account, but they thought our vehicle weight tax approach was a pretty smart approach in an era that everyone is looking to fund infrastructure financing for transportation.

So I commend all of our, my colleagues that we are being looked at as being progressive, looking at other ways to approach the concerns. And I can tell you Chairman, one of the, our biggest assets at this point in time is that we've been frugal and smart in our borrowing.

If you look at the State of Oregon and what our counties owe, I believe, I think we saw, what was it, six, eight hundred billion dollars in unfunded obligations for the employees' retirement, Oregon counties, where we just visited last week. That's a lot of money, Mr. Chairman. Our sister State of California, for counties is in the "T's" they owe trillions of dollars.

We all know we need to prepare for eventually in the next few years regarding GASB, the need for us to show on our books the true fiscal picture including all debt and obligations that this County owes.

We have made one major investment and I thank the Members. We are showing our community the foresight in how to approach the EUTF obligations, Chairman. We are increase the payment and if we follow though within the next five to seven years, this County can be fully funded in that one big component. We have control of our destiny there, Chairman. Then we can focus on the Retirement System and how the State with their trustees and their so-called, and what I would call their, gosh, they make me nervous Chairman, with their forecast of interest growth on their portfolio.

Oregon had to readjust down because their problem was like us, they were too optimistic, never realize, and now they're in that number of billions owing their system.

I think we need to be smarter, I need the trustees to be smarter. And therefore Chairman, one of the things that we can to impact this budget sooner, help our employees is the potential leaving from the State of Hawaii, the State Deferred Comp

Program and allow the Counties such as Maui to go independently and create a financial program that makes sense for our employees as well as for the tax base that helps put up the employers' portion, whatever that may be.

So there's a lot of good things Chairman, that we've been doing. I can tell you, we saved Waiehu Golf Course. For some, they're going to say that was a waste of money. Okay, but nobody, I can tell you when I tell people we spend more than five and a half million dollars to maintain swimming pools, they go wow, I didn't know that. Okay, so never mind just looking at Waiehu Golf Course and the so-called three million. Look at the swimming pools, look at the ball fields, look at the tennis courts, okay. Let us be fair in our comparison and our analysis of what we may feel is either too costly or not, Chairman.

But Waiehu is a gem. I believe we need to make the improvements before we consider other financial options. But I am willing to give our employees, our community, their chance to make it work, Chairman. It is a fiscal and natural open space asset that this County needs to consider maintaining. But look what the State is doing, the ERS with Kaanapali, they are telling us to up-zone it so they can get their bloody increase of equity. Selfish reasons, Chairman. Okay we are looking at this from a community asset, position. Not to create increased equity to pay off a bill that the State owes.

I apologize for being a very lengthy this morning, Chairman. Obviously, I have things I wanted to get off my chest particularly with the State of Hawaii. Because this is not over, Chairman. There's another session to go with this type of attitude that the Legislature currently has. And I find it troubling that that attitude now seems to be their philosophy. Because it's not going to take this County and this State forward. They're going to hold us back where their, what's the right word, Chairman, their inability to come to terms with the realities of this expenses.

We have the contracts. We know we had to find more revenues to pay the cost of collective bargaining. To have the State says, we not going to look at our revenue sources and, and understand to meet our increasing need or expenses, but yet we will find a way to take the County's real property tax is totally irresponsible. And for me they show a lack of judgment, they show a lack of understanding of taxation.

And they definitely don't know the history of why the schools are under the State of Hawaii governance. It's a policy from the sixties. They don't understand who Governor John Burns was, heaven help us.

I thank the Members for allowing me my turn at giving comments, but at the end of the day Chairman, I want to thank the community because they're the ones willing to pay. We've made a big adjustment, big increase. You know, our peers on the mainland think we're crazy. But our community says this is what they want, this is what we're willing to pay and I find that this Council has responded. Thank you, Chairman.

CHAIR WHITE: Thank you, Mr. Hokama.

I would just like to add that, that we have a, we have a lot of agreements with respect to your comments on the State. They have showed a lack of understanding of how the fiscal relationship between the State and the County was setup and how it should work. And, I, we can only hope that the Legislators that are serving not just Maui, but the other outer islands and Honolulu as well take a very different look at, at their kuleana. And, you know, we, we remain the Counties throughout the Nation that receive the lowest amount of tax from, taxes generated from hotel room rates. We are well below all other States.

So, you know, I think in Oregon we learned that the school districts are not a County tax, the school districts are funded by the State. And I haven't looked at Oregon, but I looked at a number of other States because, you know, we get it thrown back in our face all the time, well we handle the schools, we handle Judiciary, we handle the prisons, we handle all these other things.

Well in fact, I looked at seven States with similar populations to Hawaii and the first I looked at was Rhode Island and Rhode Island is smaller than us. The State spends a greater percentage of their General Fund on education than Hawaii does. And yet the Counties also put money into the, into the education process.

So, you know the, we'll be working on that during this next, this next year so that we have a little bit more information to share with our Legislators, to provide them a better perspective. It is frustrating but it's something that will not go away soon and we'll, we're all going to have to join hands and work on our legislative partners.

Mr. Hokama mentioned that we have a, a resident population that is willing to pay more. And one of the things that we have done, he mentioned the, the vehicle weight tax increase. I think it's important for our residents to know that entire amount was placed into the road repaving and resurfacing budget. So, the effect of that is that we have just increased under Mr. Hokama's leadership, we've increased the amount available for paving and resurfacing our roads by 74 percent. It's not a small amount.

What was the greatest, as you recall, Mr. Hokama sent out a, sent out a questionnaire. What was the item that came back with the most, the highest priority? Roads. So we've addressed that by adding 74 percent more to that portion of the budget. Now that's, that's just, it's not the one that includes all the specific road projects, but that's the bucket of money that pays for the, the ongoing work that our Departments have to get into.

And I've been told that we have to take a short recess before the vote, so I must have forgotten something. So we'll be in a recess at the call of the Chair.

(THE MEETING WAS RECESSED BY THE CHAIR AT 11:21 A.M., AND WAS RECONVENED AT 11:22 A.M., WITH ALL MEMBERS PRESENT, EXCEPT COUNCILMEMBER KING EXCUSED.)

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

Members we're back to the main motion. The issue that was brought up has been resolved. So, the Chair is ready to call for vote. All those in favor please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

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

Mr. Clerk.

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

CHAIR WHITE: Thank you, Mr. Clerk. Thank you all and congratulations, Members for passing a, a very responsible budget. And we are adjourned.

## ADJOURNMENT

The regular meeting of May 30, 2017 was adjourned by the Chair at 11:23 a.m.

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

170530/jm

**UNCLE CHUCKY**

Date: 29 May 2017
To: Maui County Council

My name is Chucky Miller, I am a descendant of Pehuino, our ancestor who secured and quieted title via LCA 3386 to our family lands during the 1839 Mahele. I am writing to demand the Council withdraw, defund, and divest funding to the Kaehu/KeAoIKaMakaniHoehaIli project which intrudes upon the interests granted by LCA 3386 to my ʻohana.

As a cultural practitioner and teacher of Hawaiian lomi, I have hosted several classes and workshops on our land and am concerned my practices may be encumbered. My family has an established tradition of practicing healing arts including lāʻau lapaʻau (plant medicine), lāʻau kāhea (calling medicine), and lomi (massage). Together, we work with the community to strengthen the spiritual mana and relations created between kanaka and the ʻāina as part of our kuleana.

The Kaehu Bay project plans to use the funds allocated by Maui County to build infrastructures for other Kanaka Maoli cultural practitioners in the community to utilize. As a practitioner myself, my family and I are not opposed to the restoration of Hawaiian culture. However, as the heirs to LCA 3386, we assert that the Kaehu project management has no authority to make decisions regarding the use of the area for this kuleana lies with our family.

**KELLY APERTO**

Date: 29 May 2017
To: Maui County Council

My name is Kelly Aperto, I am a descendant of Pehuino, our ancestor who secured and quieted title via LCA 3386 to our family lands during the 1839 Māhele. I am writing to demand the Council withdraw, defund, and divest funding to the Kaehu project which intrudes upon the interests granted by LCA 3386 to my ʻohana.

As a cultural practitioner who built and manages a family ahu (altar) on lands allegedly purchased by Maui County in 2012, I am concerned that my spiritual practices may be affected by the Kaehu project. My ahu is a site for Hawaiian healing, birthing, and burial practices performed by the ʻohana, including for my grand niece Hina Ahia whose ʻiewe (placenta) was planted there in 2012. The altar rests next to a kahawai (stream, river) where a moʻo wahine (female/trans water deity) lives and protects the area along with its multitude of springs.

The Kaehu Bay project plans to use the funds allocated by Maui County to build infrastructures for other Kanaka Maoli cultural practitioners in the community to utilize. As a practitioner myself, my family and I are not opposed to the restoration of Hawaiian culture. However, as the heirs to LCA 3386, we assert that the Kaehu project management has no authority to make decisions regarding the use of the area for this kuleana lies with our family.

Written Testimony regarding defunding $75,000 for Ka'ehu Project.
Cameron Mahealani Ahia
maheamoon40@gmail.com
30 May 2017

Aloha kākou,

My name is Cameron Mahealani Ahia. I am writing in regards to the budget Cr-1769 item funding the Ka'ehu project with $75,000. I urge you NOT to fund the project at Ka'ehu being managed by the non-prift named Ke Ao i ka Makani Ho'eha'ili.

I have ties to this 'āina through my daughter Hinaaiinameleonalani. Hina is a lineal descendant of Pehuino who was given the Land Commission Award (LCA 3386). I am a PhD student at UH Manoa and teacher focusing on Hawaiian literary archives.

Of the many reasons I could sight, the most basic is that they do not have clear title to the land. LCA 3386 clearly states that the 'āina remains in Pehuino's name "even if deceased" meaning that any succeeding caretakers/purchasers may never own the land (only he can) and it continuously reverts back to him to be cared for by his heirs.

Second, the county and the non-profit have not consulted the kuleana families who still reside on the 'āina. This would create a situation where the families must ask other entitites for permission to gather together and enjoy on their own lands. This is unacceptable and unjust.

Third, the project has already received money. How has it been spent? Where have my tax dollars gone? I personally have documentation of the presence of an abundance of snails in the lo'i. Broken and dangerous equipment left unattended. If they have not adequately cared for their kuleana already, why would anyone grant them more money to waste? That is a frivolous use of my hard-earned tax dollars.

Most importantly, this project would personally cause violence and injury to my family and myself. As a cultural practitioner, I offer my traditional oli and pule/prayers at places within their projected plan. Because they have not done their due diligence, they are unaware of the cultural significance, the on-going cultural and religious practices, and the remains that rest on the 'āina.

Speaking for myself, my daughter Hinaaiinameleonalani's piko and 'iewe (her umbilical cord and afterbirth) have ceremonially been buried in the area in 2012. These are cultural sites handed down through the families for many generations. My kāne and I were given charge to protect the ahu there and this project and the hindrances it will cause to the area threaten my ability to carry out my kuleana to the 'āina, the 'ohana, and our kūpuna. These mo'olelo (stories) are the subject of my research and their protection is the focus of several publications bringing awareness to the repeated

**BERNADINE MAIO**

Date: 29 May 2017
To: Maui County Council

My name is Bernadine Maio, I am a descendant of Pehuino, our ancestor who secured and quieted title via LCA 3386 to our family lands during the 1839 Māhele. I am writing to demand the Council withdraw, defund, and divest funding to the Kaehu project which intrudes upon the interests granted by LCA 3386 to my ʻohana.

As a Hawaiian genealogist, archivist, and historian for the family, I want to place our ʻohana kuleana to the area on record.

Pehuino was a fisherman whose father gave him responsibility over the koʻa (fishing altars) in the bay. As a manager of the koʻa and fishponds, he provided food for the ruling and visiting chiefs who frequented Waiehu. The area's name "Paukūkalo" was given by our kūpuna to the region due to the immensity of the kalo grown there, a testament to the exceptional management practices of our family.

The Kaehu Bay project plans to use the funds allocated by Maui County to build infrastructures for other Kanaka Maoli cultural practitioners in the community to utilize. My family and I are not opposed to the restoration of Hawaiian culture on our ancestral lands. However, as the heirs to LCA 3386, we assert that the Kaehu project management has no authority to make decisions regarding the use of the area for this kuleana lies with our family.

# Divest and Defund County Development at Kaehu Bay (/petitions/divest-and-defund-county-development-at-kaehu-bay.html)

This petition (/petitions/divest-and-defund-county-development-at-kaehu-bay.html) was published by Poe Aipohaku a Pehuino on May 25, 2017

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Signatures **107** to **51** of **107**

| # | Name | Town/City | S/C/P | Region | Comment | Date |
|---|---|---|---|---|---|---|
| 107 | Koa Johnson | Wailuku | Hawaii | USA | N/G | May 30, 2017 |
| 106 | Anonymous | Wailuku | Hawaii | USA | N/G | May 30, 2017 |
| 105 | Anonymous | KIHEI | HAWAII | USA | N/G | May 29, 2017 |
| 104 | Kelsey Campbell | Cleburne | texas | USA | N/G | May 29, 2017 |
| 103 | Leesa Aperto | Wailuku | Hawaii | USA | N/G | May 29, 2017 |
| 102 | Donovan Aperto | Waiehu | Hawaii | USA | N/G | May 29, 2017 |
| 101 | Jezelyn Gonsalves | Lahaina | Hawaii | N/G | N/G | May 29, 2017 |
| 100 | Lisa Vittallo | Las Vegas | Nevada | USA | N/G | May 29, 2017 |
| 99 | Robert Ferreira | Radcliff | Kentucky | USA | N/G | May 29, 2017 |
| 98 | Winfred Aperto | Wailuku | HI | USA | N/G | May 29, 2017 |
| 97 | Elise Hernandez | KAHULUI | MAUI HAWAII | USA | N/G | May 29, 2017 |
| 96 | Kento Pintur | Lahaina | HI | USA | N/G | May 29, 2017 |
| 95 | Shelby Aperto | Wailuku 96793 | Hawaii | USA | N/G | May 29, 2017 |
| 94 | Marc Akana | Waiehu | Hawaii | USA | N/G | May 29, 2017 |
| 93 | Devon Meko | Virginia Beach | Virginia | USA | N/G | May 29, 2017 |
| 92 | Carol Kinkennon | Davis | California | USA | N/G | May 29, 2017 |
| 91 | Yukiko Okuda | Kahului | Hawai'i\|\|Maui | N/G | N/G | May 29, 2017 |
| 90 | Lili Gloster | Las Vegas | Nevada | USA | N/G | May 28, 2017 |
| 89 | Lynda Barry | Wailuku | Hawaii | USA | View (/petition-comment.php?cid=21363624) | May 28, 2017 |
| 88 | Anonymous | Wailuku | Hawaii | USA | N/G | May 28, 2017 |

| | | | | | | |
|---|---|---|---|---|---|---|
| 87 | Eunice Sentinella-namauu | Kula | Maui, Hawaii | USA | N/G | May 28, 2017 |
| 86 | Steven Chang | Kihei | Hawaii | USA | N/G | May 28, 2017 |
| 85 | Erin Robinson | Wilmington | DE | USA | N/G | May 28, 2017 |
| 84 | Jennifer Brabander | Newton | Massachusetts | USA | N/G | May 28, 2017 |
| 83 | Noelani Paresa | Kahului | Hawaii | USA | View (/petition-comment.php?cid=21362901) | May 28, 2017 |
| 82 | Peter Hanohano | N/G | N/G | N/G | N/G | May 28, 2017 |
| 81 | Marissa Medlin | Kahului | Hawaii | USA | N/G | May 28, 2017 |
| 80 | Joleen Brown | Waiehu | Hawaii | USA | View (/petition-comment.php?cid=21362575) | May 28, 2017 |
| 79 | Anonymous | Kihei | Hawaii | USA | N/G | May 28, 2017 |
| 78 | Togo Kaawa | Waihe'e | Maui | USA | N/G | May 28, 2017 |
| 77 | Kerry Long | Honolulu | HI | USA | N/G | May 28, 2017 |
| 76 | Clement Ahia | Dana Point | California | USA | N/G | May 28, 2017 |
| 75 | Cathy Ahia | Dana Point | California | USA | N/G | May 28, 2017 |
| 74 | Annadele Yahiro | Wailuku | Maui, Hawaii | USA | N/G | May 28, 2017 |
| 73 | Chase Texeira | Kahului | Hawaii | USA | N/G | May 28, 2017 |
| 72 | Anonymous | Burlingame | ca | USA | N/G | May 28, 2017 |
| 71 | Gwen Morinaga-Kama | Makawao | Hawaii | USA | N/G | May 28, 2017 |
| 70 | Ashley Biddle | Honolulu | Hawaii | USA | N/G | May 28, 2017 |
| 69 | Estanislao Opiana III | Wailuku | Hawaii | USA | N/G | May 28, 2017 |
| 68 | Victoria Puaoi | Wailuku | Hawaii | USA | N/G | May 28, 2017 |
| 67 | Anonymous | Kula | Hawaii | USA | View (/petition-comment.php?cid=21362411) | May 28, 2017 |
| 66 | Threnody Brown | Honolulu | N/G | N/G | N/G | May 28, 2017 |
| 65 | Kristie Nakamoto | Waiehu | Hawaii | USA | N/G | May 28, 2017 |
| 64 | Cameron Ahia | Honolulu | HI | N/G | View (/petition-comment.php?cid=21362402) | May 28, 2017 |
| 63 | Alyson Barrows | Wailuku | Hawaii | USA | View (/petition-comment.php?cid=21362237) | May 28, 2017 |
| 62 | Deke Saffery | North Las Vegas | Nevada | USA | View (/petition-comment.php?cid=21362184) | May 27, 2017 |
| 61 | Charlene Aperto | Wailuku | Hawaii | N/G | N/G | May 27, 2017 |

| | | | | | | |
|---|---|---|---|---|---|---|
| 60 | Anonymous | Wailuku | Hawaii | USA | View (/petition-comment.php?cid=21362079) | May 27, 2017 |
| 59 | Roxanne Wada | Wailuku | Hawaii | USA | N/G | May 27, 2017 |
| 58 | Dawnserly Namauu | Mōʻiliʻili | Hawaii | N/G | N/G | May 27, 2017 |
| 57 | Anonymous | Wailuku | Hawaii | USA | N/G | May 27, 2017 |
| 56 | Chaz Castro | Wailuku | Hawaii | USA | N/G | May 27, 2017 |
| 55 | Anonymous | Makawao | Hawaii | USA | N/G | May 27, 2017 |
| 54 | Jalynn Nobriga | Kahului | Hawaii | USA | N/G | May 27, 2017 |
| 53 | Keola Brown | Wailuku | Hawaii | USA | View (/petition-comment.php?cid=21361917) | May 27, 2017 |
| 52 | Miki'ala Freitas | Wailuku | N/G | N/G | N/G | May 27, 2017 |
| 51 | Cornelio Cabigas | Kahului | Hawaii | USA | N/G | May 27, 2017 |

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Next (/petitions/divest-and-defund-county-development-at-kaehu-bay/signatures-page2.html)
» (/petitions/divest-and-defund-county-development-at-kaehu-bay/signatures-page2.html)

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- N/C - field not collected by the author
- S/C/P - State, County or Province
- View - mouseover to view comment
- Dates displayed in the signature list are based on UTC/GMT
- Anonymous signatures signify people who have chosen not to display their names publicly. [?]
- A comment in red indicates that the signer has hidden their comment from public view. [?]

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## PETITION SIGNATURES

We demand that the County of Maui defund the $75,000 budgeted to the development project managed by Kaehu Bay LLC. The project's alleged purchase of the Kaehu Bay area trespasses upon the legal interest of heirs to Land Commission Award 3386, a title claim established since the 1839 Mahele. By signing the petition, you are urging the County Council to divest from all present and future activities that would violate our family's right to occupy, manage, and live on our lands.

| First Name | Last Name | Email | Signature |
|---|---|---|---|
| Paulette | Yayoshi | RAscally45@hotmail.com | |
| Karen | Chee | — | Karen Chee |
| RON | YOSHIMOTO | — | |
| Heather | Bell | — | |
| Sheva | Silman | — | |
| Michelle | Tianio | N/A | |
| Susan | Perreira | — | |
| Lehua | Jackson | lehuakalani3@yahoo | |
| KONI | BRITTAIN | KKbri@me.com | |
| Veralyn | Latham | — | |
| Juvylyn | Garalde | — | |
| Ivy | Burkland | — | |
| DONNA | MELLEMA | — | |
| RENEE | TABON | burekeka@gmail.com | |
| RAYNA | AH CHIN | — | |
| Maria | Roberts | — | |
| Harry | BROWN | specialkonmaui@gmail.com | |
| Donna | Brown | donna anela@gmail.com | |
| Kahiau | Brown | haleokala16@gmail.com | Kahiau K Brown |
| Glennys | Keaoha | | Glennys Keaoha |
| Sandra-Lee K. Keaoha-Apolo | | | |

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| First Name | Last Name | Email | Signature |
|---|---|---|---|
| Bryan | Kawakami | | |
| Travis | Bowman | | |
| Marc | Rigles | | |
| MARK | FULGENCIO | | |
| Walden | Go | | |
| Guy | Purdy | | |
| Jordan | SORLANO | | |
| Ryan | Abarra | | |
| Duane | Ah Yen | | |
| RODERICK | FILLON | | |
| Neal | Shimabukuro | | |
| PETER | RALPH | | |
| Nani | PUOU | | |
| Mary Jane | Bantista | | |
| Beng BENG | tg | | |
| Bernadette | Amarillo | | |
| Mary | Dominguez | | |
| Grace | Lih Chang | | |
| Bernadine Maio | | | Bernadine Maio |

# FW: Monthly Employee Parking Rates (Council Proposed Budget for FY2018)

RECEIVED
2017 MAY 23 AM 8: 11
OFFICE OF THE
COUNTY CLERK

Sharon <sharon@hberdel.net>

Mon 5/22/2017 5:59 PM

To:County Clerk <County.Clerk@mauicounty.us>;

My initial email didn't go through – I realize I am late but hope you can still make my OPPOSITION letter a part of this hearing.

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**From:** Sharon [mailto:sharon@hberdel.net]
**Sent:** Monday, May 15, 2017 9:24 PM
**To:** 'mike.white@mauicounty.us'; 'robert.carroll@mauicounty.us'; 'alika.atay@mauicounty.us'; 'elle.cochran@mauicounty.us'; 'stacy.crivello@mauicounty.us'; 'don.guzman@mauicounty.us'; 'riki.hokama@mauicounty.us'; 'kelly.king@mauicounty.us'; 'yukilei.sugimura@mauicounty.us'
**Cc:** 'clerk@mauicounty.us'; 'lynn.araki-regan@mauicounty.gov'
**Subject:** Monthly Employee Parking Rates (Council Proposed Budget for FY2018)

Dear Councilmembers:

I am an employee of the County of Maui and am VERY opposed to the increase in our parking fees – I and most others waited approx. 10 years for a reserved parking stall (this year makes 16 years being a county employee) and my stall is located in the lot below S. High Street and along Kaohu Street. Because of the tremendous amount of bird and berry mess from the tree overhanging my vehicle, I have to wash my truck on a daily basis after work.

**BAD NEWS:**

| | |
|---|---|
| Our parking fee is increasing | 150% |
| My Real Property Taxes will be increasing | 6% (Homeowner) |
| My sewer fee (private company) is increasing | 100% |
| Motor Vehicle Registration fee | huge increase every year |

**GOOD(?) NEWS:**
(HGEA) Unit 3 raise over 2 years was just approved for 7% - can you see how our raise won't even cover my Real Property Tax increase?

If our parking fee goes up the amount you are proposing, I would expect:

1. There will be a full time parking lot attendant during the work week to **strictly** enforce the parking
2. Large signs of "tow away zone" be installed
3. Maintenance of the lots (smooth pavement, cutting down trees, ridding lot of leaves/branches, etc)
4. All employees have a visible parking pass inside their vehicle (as the ones who park in the old post office lot)

In addition, **why are only the employees in Wailuku going to be charged this fee?** It seems discriminatory – what about those that park at baseyards, at the gym, at the community centers, at Maui Mall, etc – I feel ALL

employees should have FREE parking, but if fees must be charged, then **ALL** employees should be charged...not only the select employees working in Wailuku.

Please make the right decision – everyone knows how expensive everything is in Hawaii, and locals are struggling to keep their head above water.

Thank you for your time.

Sharon Matsunaga-Berdel
209 Kaualani Drive
Pukalani 96768

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