

POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE

Council of the County of Maui

MINUTES

September 17, 2018

Council Chamber, 8th Floor

CONVENE: 9:20 a.m.

PRESENT: Councilmember Yuki Lei K. Sugimura, Chair
Councilmember Alika Atay
Councilmember Elle Cochran
Councilmember Kelly T. King
Councilmember Mike White

EXCUSED: Councilmember Stacy Crivello, Vice-Chair
Councilmember Robert Carroll
Councilmember Don S. Guzman
Councilmember Riki Hokama

STAFF: Shelly Espeleta, Legislative Analyst
Clarita Balala, Committee Secretary

Ella Alcon, Council Aide, Molokai Council Office (via telephone conference bridge)

Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)

ADMIN.: Edward S. Kushi, Jr., First Deputy Corporation Counsel, Department of the Corporation Counsel (Item 68)
Jennifer M.P.E. Oana, Deputy Corporation Counsel, Department of the Corporation Counsel (Item 71)
Teena Rasmussen, Director, Office of Economic Development (Item 71)
Gladys C. Baisa, Director, Department of Water Supply (Item 71)
Wendy Taomoto, Engineering Program Manager, Department of Water Supply (Item 71)
Scott Teruya, County Real Property Tax Administrator, Department of Finance (Item 71)
Kathleen Paschoal, Police Records Section Supervisor, Department of Police (Item 68)

Seated in the gallery:

Mark Walker, Director, Department of Finance
Guy Hironaka, Real Property Manager, Department of Finance
Kenneth Yamamura, Economic Development Specialist II, Office of Economic Development

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OTHERS: Barbara Barry (Item 71)
Bill Greenleaf, Board Member, Maui Tomorrow Foundation, Inc.
(Item 71)
Zandra Amaral Crouse (Item 71)

Darren Strand, General Manager, Diversified Agriculture,
Alexander & Baldwin LLC (Item 71)

Charlie Loomis, Vice President of Land Assets, Alexander &
Baldwin LLC (Item 71)

Carol Reimann, Vice President, Alexander & Baldwin LLC (Item 71)

Mae Nakahata, Director of Research, Alexander & Baldwin LLC
(Item 71)

(3) additional attendees

PRESS: Akaku: Maui Community Television, Inc.

CHAIR SUGIMURA: . . .(gavel). . . Good morning, everyone. Thank you for being here. Today is September 17th. The time is 9:20 a.m. Welcome to the Policy, Economic Development, Agriculture Committee. My name is Yuki Lei Sugimura, I am the Committee Chair. I'd like to thank my Members who are here. We have Alike Atay.

COUNCILMEMBER ATAY: Good morning, Chair.

CHAIR SUGIMURA: Good morning. Mr. White, our Council Chair.

COUNCILMEMBER WHITE: Good morning, Chair.

CHAIR SUGIMURA: Good morning. Elle Cochran.

COUNCILMEMBER COCHRAN: Aloha, Chair.

CHAIR SUGIMURA: And Kelly King. Thank you, everyone, for being here. Who's excused is Stacy Crivello and Riki Hokama who are at the, on Oahu for the Hawaii State Association of County's conference. I mean, not conference, meeting today, and we have Bob Carroll excused, and Don Guzman excused. Thank you, everyone, for being here. We have bare quorum. We have three items on our agenda today of which we have from Administration Gladys Baisa, Director of Water Supply is here in the audience. Thank you very much. Wendy Taomoto who is a Engineering Program Manager. We have Mark Walker back there. Guy Hironaka, and we also have Scott Teruya back there from Office of Economic Development. Thank you for Teena Rasmussen as well as I see Kenneth Yamamura, sorry. For police I don't see Jan...Sergeant Jan Pontanilla is here for the last item on the agenda, and from A&B I'd like to thank Carol Reimann, Vice President of A&B LLC. Is Randy Endo...I don't see him, he's also listed here, Director Land Assets. Darren Strand, General Manager of Diversified Agriculture, A&B LLC. Mae Nakahata, Director of Research, Alexander and Baldwin, and I mentioned Teena Rasmussen. We

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have Charlie Loomis here also from Oahu who is General Counsel for A&B. Thank you, Charlie, for being here. For Corp. Counsel on the A&B item I don't see Jen, oh there's Jen. Jen Oana is here from Corp. Counsel, thank you very much. We have Ed Kushi who is our PEA Corp. Counsel as well as the First Deputy. He'll be here for the other items, and I'd like to thank my Staff Legislative Analyst Shelly Espeleta, Clarita Balala. Thank you very much for working so hard on all my items that I have that comes before my Committee. And of course our District Offices we have Dawn Lono, Denise Fernandez, and Ella Alcon. On our agenda today, we have three items. We have Kathleen Paschoal from Police, oh thank you, Kathleen. Agenda items we have PEA-71, approving the acquisition of approximately 262 acres of Pulehunui and Omaopio land in Makawao. This is the expansion of the Kula Ag Park. That's the first item on our agenda. PEA-75, Establishing the West Maui Community Plan Advisory Committee, the second item. And the last item is PEA-68 Authorizing the Mayor of the County of Maui Through the Chief of Police to Enter into an Intergovernmental Agreement with the State of Hawaii Department of Health regarding suicides. Thank you, everyone, for being here. We're at bare quorum so if anybody has any needs to take a short break please let me know. I intend to continue discussions with the A&B project. We started that on August 20th as well as we have CPAC which we had the last meeting on September 11th for interviews. So, at this time I'd like to start with public testimony. For individuals who are testifying in the Chamber, please state your name, the item that you're testifying on, and who you're representing. The first testifier is Barbara Barry for PEA-71. You'll have three minutes to testify. As you know the lights will go on. Yellow light means you have 30 seconds left and thank you very much for being here. Please testify to me --

. . . BEGIN PUBLIC TESTIMONY. . .

MS. BARRY: Aloha, Chair --

CHAIR SUGIMURA: --as the Chair. Thank you.

MS. BARRY: --and Committee Members. My name is Barbara Barry. I'm from Haiku and I'm here to discuss PEA-71. Since the last meeting of August 19, 2018 I have not received any answers to my questions that were part of my testimony regarding the, questioning the value and timing of this particular land sale from A&B. As a citizen and a Kula Ag Park Committee Member, I feel it's very important for the Ag Park Committee and the Water Committee to address these questions, and make a recommendation to the OED and the County Council. We now have a new meeting scheduled for October 12th at 1:30, location to be determined. Hopefully that purchase will be on our agenda. In the meantime, I think it's important not to rush the sale through since it doesn't seem like there's a plan or appropriate funding for development, maintenance, and taxes. I'm actually seeing two different assessed values for this land. The County assessment of 27,300 with a 2017 property tax assessment of 200 per year, and the ACM consultant Mr. Yamamura's value of 488,400 on Page 8 of his report. Same property tax assessment in 2017 of \$200 per year which is correct. Where is the universal water agreement with A&B? Where is the assurance that water will be available for the Kula Ag Park farmers including the existing ag park? Why is A&B wanting to move the pump

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out of the ditch and into the reservoir? We all want affordable farm lands to be available to our farmers to grow food. Is this the best A&B, the State, and the County can do to support ag on Maui? Why aren't we being offered important ag lands for sale or long-term leases? I could go on on that, but I think I'll wait. Since the County would be paying the new property tax bill if this sale goes through for over 5 million, do we know what that tax will be? And, is there a budget for that? Will it go up as the land becomes more valuable? I'm seeing \$1,100,000 budgeted for the new Kula Ag Park design in 2018. Is this in addition to the 1 million the County is investing with the State for the land? Since there is no real clear plan to accommodate organic farmers in any of the County-run ag parks in Maui County, traditional non-chemical farmers need their own ag park and should be given the same amount of acreage that the chemical farmers have been allotted to them. The current Administration does not support this huge block of farmers who choose regenerative organic permaculture and biodynamic farming. I don't feel like the County is playing fair. So, I think it's really a sweetheart deal for A&B, not necessarily for the chemical farmers who'll be saddled with high water rates from costly electricity to pump water uphill, or the County taxpayers who'll be funding the management and property tax expense of this sale. Thank you very much.

CHAIR SUGIMURA: Thank you. Anybody have any questions for...Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair, and thank you, Ms. Barry, for being here. So, I know, Ms. Barry, you've been newly, somewhat newly appointed to the Kula Ag Committee and you have had meetings and you're...there's --

MS. BARRY: There has been no meetings.

COUNCILMEMBER COCHRAN: --been discussion on this purchase? No?

MS. BARRY: There's not been a meeting on, from April from when I was appointed to this time.

COUNCILMEMBER COCHRAN: April you got appointed?

MS. BARRY: Right. Early April. April 1st I think my term started.

COUNCILMEMBER COCHRAN: Okay. Yeah, that's disconcerting. So, thank you for coming here and sharing your thoughts and questions.

MS. BARRY: Thank you very much.

CHAIR SUGIMURA: Ms. King?

COUNCILMEMBER KING: Yeah, just as a follow-up, thank you, I was going to ask the same question, but did they, have they scheduled a meeting because my office called up our Ag Coordinator and asked him to schedule a meeting, so has there been one scheduled?

MS. BARRY: There is one scheduled for October 10th at this point, so, you know, you're all welcome to join in.

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COUNCILMEMBER KING: Okay, thank you.

MS. BARRY: Thank you.

CHAIR SUGIMURA: Thank you. No other questions? Thank you very much for testifying and we do have your written testimony. Next testifier that we have is Bill Greenleaf followed by Zandra Amaral. All testifying on PEA-71 which is the A&B...

MR. GREENLEAF: Good morning, Chair.

CHAIR SUGIMURA: Good morning.

MR. GREENLEAF: Good morning, Councilmembers. I'm representing...my name is Bill Greenleaf. I'm a local farmer and I'm representing Maui Tomorrow. Maui Tomorrow believes there should be more revisions on this proposed resolution. Right now we need clarification of the market for the ag park. It's my understanding that there is no waiting list and it's, we don't really have much publicity about available plots in the current lot. How they're being up...with the upkeep, who's running them, and I think we need an audit as to what's being produced. It's probably something that OED already has, but it'd be nice to see what the production levels have been, what the crops have been maybe over a ten-year window. Has A&B done an archeology study? Do we have a study on this? We see that there's, this parcel includes several prominent gulches which is always a concern because archeological sites are often found in those gulches. Maui Tomorrow also strongly recommends that organic agriculture is considered in a plan when a plan is made, and we understand the transition, and it's just the time now that organic agriculture needs a seat at the table. The irrigation water system has a lot of questions. Questions as to what's going on now currently in the park. What the proposed irrigation plan is gonna be. Does that reservoir need to be rebuilt? Is it a reservoir that could come apart? As we just seen so many water holding areas in Hawaii are not up to standard and they do need to be corrected. Why is there a consideration of moving the pump from the ditch which is currently working to the reservoir? That's confusing and expensive. What's the plan on that? There's a question about the price. Comparative sales of several ag parcels that set the price for this have other entitlements that make them more valuable, and the 500 acres being offered on a ten-year lease arrangement that needs to be revisited. No farmer wants a ten-year lease. And will this, will the water extension being provided by the County at several million dollars, will that go to make these extra 500 acres have an infrastructure that doesn't exist now that when the ten years is up will benefit A&B? Is that another inurement from this deal? So, there's lots of questions, needs to be really gone through Committee, and personally I'm on the Ag Working Group. I recommend that this be...that they be included in this discussion. Thank you very much, Councilmembers. Thank you very much, Chair.

CHAIR SUGIMURA: Thank you. Anyone have questions for Mr. Greenleaf? Ms. King?

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COUNCILMEMBER KING: Yeah, just a couple questions. The first one is was this the, maybe it's for the Chair, when this was handed out there was, I'm not sure if this is Maui Tomorrow's testimony? Just like a sheet of testimony with no name on it, so.

MR. GREENLEAF: Oh, that's probably it.

COUNCILMEMBER KING: Was that, did that come from Maui Tomorrow?

MR. GREENLEAF: Yeah.

COUNCILMEMBER KING: Was that your testimony?

MR. GREENLEAF: Yeah, right.

COUNCILMEMBER KING: Okay.

MR. GREENLEAF: Yes.

COUNCILMEMBER KING: Okay, and then the other thing I wanted to ask you was regarding when we talk about organic farming, I mean are you, you know, having a seat at the table, you know, I agree with you, but I also think there's a question of what is the definition. Are we talking about only certified organic farmers, or are we really talking about local farmers?

MR. GREENLEAF: The term I prefer is regenerative where we start to farm the way that people did for thousands of years before...after World War II when there was excess chemicals and it changed the industry. So, I would call it regenerative farming. I think that's...

COUNCILMEMBER KING: Okay. But is there a certification or a test or how would you qualify that kind of farming or...

MR. GREENLEAF: Well, one uses poison and one doesn't. One uses...one introduces food to the system to provide the microbes food to live in the soil, and the microbes interact with the roots of the plant. When you put chemicals and poison in the ground it kills all those microbes, so the transportation system's interrupted, and then the food has a less valuable...

COUNCILMEMBER KING: Okay, so there's a --

MR. GREENLEAF: Yeah.

COUNCILMEMBER KING: --definition of regenerative or what you're talking about...

MR. GREENLEAF: It's either you're using poisons or you're not basically.

COUNCILMEMBER KING: Okay. Thank you.

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MR. GREENLEAF: That's the bottom line in my opinion.

COUNCILMEMBER KING: Thank you.

COUNCILMEMBER ATAY: Chair?

CHAIR SUGIMURA: Anyone have any more questions for him? Mr. Atay?

COUNCILMEMBER ATAY: Thank you. Thank you for being here. So, you mentioned that your testimony was aligned with Maui Tomorrow, but your closing statement also said that you're a member of the working ag group.

MR. GREENLEAF: Correct.

COUNCILMEMBER ATAY: Are you...okay, so did the working ag group have ample enough time to review this project?

MR. GREENLEAF: No.

COUNCILMEMBER ATAY: Okay.

MR. GREENLEAF: No. This is, this project...I haven't seen a plan for this project or an exact discussion. I think it's happening kind of on the fly piecemeal, so to speak, and we're at this point it seems like it's an opportunity for the \$5 million to do something good for the community of Maui, but then what's the plan? Will it end up good? Will it end up as a long-term burden on the citizens that...it's...there's a lot of concerns. We really need to address them.

COUNCILMEMBER ATAY: Okay. Alright. Thank you, Chair.

CHAIR SUGIMURA: Thank you.

MR. GREENLEAF: Okay. Thank you.

CHAIR SUGIMURA: Mr. Greenleaf, so you're saying that this is your testimony? It's not signed or anything, but...

MR. GREENLEAF: Oh, I'm sorry.

CHAIR SUGIMURA: No, no. Not...

MR. GREENLEAF: What is the...I'm sorry . . . *(inaudible)* . . .

CHAIR SUGIMURA: Status, the committee...

MR. GREENLEAF: Status, the committee, yes that's from Maui Tomorrow.

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CHAIR SUGIMURA: Oh, this is from Maui Tomorrow?

MR. GREENLEAF: Yes.

CHAIR SUGIMURA: Okay. Thank you. Next testifier is Zandra Amaral Crouse.

MS. CROUSE: Aloha kakahiaka. Zandra Amaral Crouse. Kou inoa. Good morning, Chair and Councilmembers. I am testifying on item number PEA-71 and that would be the ag appropriation. As a young lady who grew up on a farm in Paukukalo at the mouth of Iao River I know the value of being given an opportunity to farm. Land acquisition is not always available to our "local farmers," and I stress local. Many times we have seen individuals moving into the County of Maui, being able to afford the larger lots, building beautiful houses on ag land up in Kula and other parts of our community, and I think this really offers an opportunity for, and I stress, our local farmers. Warren being one of them. He's very active in ag, but really, they cannot afford to buy. This affords our local people the opportunity to lease small parcels of ag land and do the farming that they grew up with and around. I humbly ask this Committee to do take into consideration however, water, because that always has been a problem for our citizens Upcountry as well. We've got a waiting list, don't know the status of that, but we need to take those into consideration. The...I wanted also to tell you that October 12th at 1:30 is the Kula ag next meeting. Barbara inadvertently said October 10th, but it's the 12th as she stipulated at the opening of her testimony and she asked me to clarify that for her. So, basically in closing I ask you, take into considerations the recommendations of this committee as they live and they farm there, but also, and foremost, take into consideration our local young men and women, old men and women, and give them an opportunity to do the things that we were born and bred to do here on the island of Maui and Maui nui. Mahalo.

CHAIR SUGIMURA: Any questions for Ms. Crouse? Seeing none, thank you for being here.

MS. CROUSE: Thank you.

CHAIR SUGIMURA: Now we'll go to the district offices. Hana office does not have any testifiers. Denise, do we have any testifiers on Lanai?

MS. FERNANDEZ: Good morning, Chair. This is Denise Fernandez on Lanai and there is no testifiers.

CHAIR SUGIMURA: Ella Alcon, Molokai, do you have any testifiers?

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

CHAIR SUGIMURA: Thank you very much. Anyone in the audience would like to testify? Seeing none, at this time I'd like to close public testimony.

COUNCILMEMBERS: No objections.

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CHAIR SUGIMURA: Thank you.

. . .END OF PUBLIC TESTIMONY. . .

**PEA-71: APPROVING THE ACQUISITION OF APPROXIMATELY 262 ACRES
IN PULEHUNUI AND OMAOPIO (MAKAWAO) (CC 18-116)**

CHAIR SUGIMURA: So, the first item...oh. The first item we have on our agenda is approving the acquisition of approximately 262 acres of land from A&B, and this is for, as you know, the expansion of the Kula Ag Park, PEA-71. And today, Members, what I'm going to be doing is opening up discussion on this item. We are in receipt of and Staff will pass out to you...they have it already? Okay. You have copies of the water agreement between us, the County of Maui, and A&B, and it hasn't been posted on Granicus, so what I'm gonna do today just for the, just so that the public can have an opportunity of looking at it, I'm gonna be taking up more questions that you may have on this item. I'm gonna defer this and post it again for another meeting, but I think it's important that you as Committee Members have a chance to look at the water agreement 'cause it's, it was worked on pretty extensively by the Department and A&B, and we have their A&B's legal person here today in case we have any questions on it. But, just so that the public can have this information we're gonna be posting it online so that people can look at it and maybe send us questions if they do have, but that's what I'm gonna do today, so as you...I just want you to know I'm going to be deferring this. Teena Rasmussen is here. Ms. Baisa, you wanna come back? You wanna come down with Wendy and Jen Oana regarding this issue? Darren Strand from A&B, and who else from A&B? Is it Mr. Loomis? Oh okay, you can testify there. So, at our last meeting Teena Rasmussen went through a whole presentation of what this purchase of the land is and what it's about, and a description of Phase I and Phase II which would be purchase of the 262 acres. Just so members of the community and to clarify maybe some of the testimony we heard, this has been in the works in terms of purchasing from our last fiscal year and that's where the \$5 million came from for State Legislature, and as you know, Members, our last Council meeting we just did second and final reading of this \$5 million. There was also \$3.5 million that was included in Budget for water specifically for this ag park. The \$3.5 million that was just also brought into, we just went through our process at the last Council meeting where we recognized that money, so now the departments will...Finance will go after and bring that money into the County so that we can finalize this purchase based upon the time frame that we're working on. So at this time, Ms. Rasmussen or Ms. Baisa, let me...do you have any opening remarks you would like to make on this?

MS. RASMUSSEN: Yeah, so I don't want to reiterate what I went through last time, you had a PowerPoint that I walked through and it just showed the map of the area, the TMK of the 262 acres, and we went through why we're starting with that because that is due to the appraisal price, that's what we could afford. The Council accepted previously in a Budget Committee and the full Council accepted the money from the State for, you know, for consideration and also the 3 million that would pay for the efficiency in moving

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the pumps, and I'll defer to the Water Department to explain that, but it is something that's been needed for a very long time. The current Kula Ag Park tenants concur that this will help the stability of the system, and particularly in drought situations, so, but that is a separate...that's that \$3.1 million that is a separate amount of money. Or I'm sorry, 3.5 million that came from the Legislature this last session. So, with that I'm just here to answer any further questions and I'll let Ms. Baisa talk about the water.

CHAIR SUGIMURA: Ms. Baisa, you want to talk about the water?

MS. BAISA: Yes, Chair. Thank you very much. We're here today and I have the staff with me, Ms. Taomoto who is extremely familiar with all of the goings on at the Kula Ag Park. She understands all of the water background, how we got it, when we got it, the pumps, and what they pump, and how much water, and so we have all of those details here that I heard asked in the testimony. So, I think it's a real good opportunity for us to be able to talk about what has happened. We also, we're...during testimony somebody asked for a universal water agreement, and we have been working very, very hard, all of us together, and it's been amazing the cooperation between farmers and A&B and the Water Department and everybody that's involved in trying to make sure. 'Cause the big question is if we're gonna buy this land do we have the water? Because we all know we can't farm without water, and Upcountry it's extremely tricky. And we're very, very fortunate that we have longstanding agreement with A&B, as particularly through EMI, we referred back to an agreement, an original agreement in 1977 that has been renewed and renewed and renewed, and here we are with documents that both A&B and the County are satisfied with. There's been an incredible amount of legal back and forth and many, many hours spent so that we could reassure the people that if we are going to purchase this property that we will have the best source of water that we can come up with at this time. You know, everybody knows that we have agreements. However, everything is at the mercy of nature, and so we can have agreements, but things could change. And if they do, we have an excellent working relationship, so I feel comfortable that we will do the best we can. Both us, and A&B, and everybody to make sure that there is water for this ag park. There's other questions that I cannot address and that is like is there a need for an ag park. We've talk about that and talked about that, and I think we all agree that agriculture is very, very important. Food security is very, very important. We wanna see our Upcountry land kept in agriculture, and unless we're willing to invest in an ag park it's gonna be very difficult. We also heard one of the testifiers talk about how difficult it is for young farmers who want to farm but have no place to farm, and this gives them a heads-up, and an ability to grow their businesses. So, we're, as a Department are very in support of this agreement, and I have Ms. Taomoto with me, and I'm gonna ask her if she could kick it off by explaining why we do we need to move the pumps.

CHAIR SUGIMURA: So, can I hear from A&B first?

MS. BAISA: Whatever.

CHAIR SUGIMURA: Yeah.

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MS. BAISA: Whatever.

CHAIR SUGIMURA: I wanna hear from A&B. Darren Strand is here who's in charge of A&B Diversified Ag.

MR. STRAND: Good morning. I, you know, I don't know specifically what else to say that we didn't start to address at the last meeting, and certainly as questions come up we can, we can address those. So, I'm just available to answer any further questions we have as we go through the morning.

CHAIR SUGIMURA: Okay, thank you.

MR. STRAND: Thank you.

CHAIR SUGIMURA: Ms. King?

COUNCILMEMBER KING: Do you want us to ask questions now or...

CHAIR SUGIMURA: Yeah, you can ask questions for...

COUNCILMEMBER KING: Okay. Mr. Strand, thanks for being here, Darren. So, this agreement is for one year and how long is the existing agreement for, for the existing Kula Ag Park?

MR. STRAND: Oh, I don't know.

CHAIR SUGIMURA: That's...

MS. RASMUSSEN: I can...

CHAIR SUGIMURA: Is that Wendy?

MS. RASMUSSEN: I can...maybe I can answer that. The current Kula Ag Park is owned by the County of Maui and all of the original farmers in that ag park were given...actually any farmer that goes in as a new entity gets a 50-year lease. If they purchase an assignment from a previous farmer, then they just get the remainder of the lease.

COUNCILMEMBER KING: No, I'm not asking...I'm asking about the water because on this agreement...

MS. RASMUSSEN: Oh, you're asking about the water.

COUNCILMEMBER KING: I'm just looking at the first page and it says existing Kula Agriculture Park, the County currently may draw up to 1.5 million gallons per day of water from the Hamakua Ditch via the two existing County pumps. So, I just wanted how long is that agreement for? How many years?

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MS. RASMUSSEN: Oh, right. Okay.

CHAIR SUGIMURA: Okay, that's Wendy. Okay. Wendy, could you...

MS. TAOMOTO: Thank you, Chair. The existing Kula Ag Park has existing water meters, and so if you're asking about the ag park users they have water meters, non-potable water meters from the County Department of Water Supply. And they've had that...

COUNCILMEMBER KING: No, I'm not asking about the meters. I'm asking about --

MS. TAOMOTO: You're asking about the...

COUNCILMEMBER KING: --this agreement --

MS. TAOMOTO: Oh, okay.

COUNCILMEMBER KING: --with A&B --

MS. TAOMOTO: A&B?

COUNCILMEMBER KING: --that says the County currently may draw up to 1.5 million gallons per day of water from the Hamakua Ditch. So, for how many years is this cover? Or is it year...is it...

MS. TAOMOTO: So, the existing agreement, there is no written existing agreement, but A&B, if you read the agreement in front of you it says 1.5 that we currently draw. That's been an unwritten agreement and they've held the price at 6 cents per thousand gallons from the time that the written agreement expired in 2000. And we've been operating under those premises since that time.

COUNCILMEMBER KING: Okay, so there was a written agreement --

MS. TAOMOTO: That expired.

COUNCILMEMBER KING: --that expired and how long was, when did that start?

MS. TAOMOTO: Nineteen seventy-three.

COUNCILMEMBER KING: Okay, so it went from 1973...

MS. TAOMOTO: Oh, but the master agreement, the initial agreement is from 1973. The Kula Ag Park specifically wasn't added to the agreement until the fifth amendment in 1998, and since that time we've been allowed to draw 1.5 million. The agreement expired April 30, 2000, and since that time A&B has continued to provide us the ability to draw up to 1.5 under an unwritten agreement.

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COUNCILMEMBER KING: Okay, but we have no...so that was only like a two-year agreement, 1998-2000, then it expired...

MS. TAOMOTO: That's the fifth amendment and the last amendment is the eighth amendment, and so I'm saying...

COUNCILMEMBER KING: But you're saying there's no, there was no renewal of that agreement after the year 2000 so we've just kinda been going on an unwritten agreement.

MS. TAOMOTO: Correct.

COUNCILMEMBER KING: A handshake agreement, and that we don't...and so but we're proposing, but this proposal, and I'm just looking at the first page because it's just been given to us today --

MS. TAOMOTO: Right.

COUNCILMEMBER KING: --is for one year for 1 million gallons per day. So, at the end of the year we have no agreement again. Is that what that...is that how you read that?

CHAIR SUGIMURA: Ms. Taomoto?

MS. TAOMOTO: Oh, I thought you said we were going to take a break.

CHAIR SUGIMURA: Oh, did you...you know what, let me...I'm gonna call a recess, a short recess. Thank you. . . .(gavel). . .

RECESS: 9:50 a.m.

RECONVENE: 9:53 a.m.

CHAIR SUGIMURA: . . .(gavel). . . Thank you for that recess. We're gonna let Ms. Taomoto finish off her statement and then we'll ask Mr. Loomis, if you could, from A&B to kind of explain legal-wise what's...about this agreement. So, Ms. Taomoto?

MS. TAOMOTO: So, when we...Ms. King asked about the existing agreements, we the County and A&B including EMI has a existing agreement that we just executed this past week. That covers the existing ag park users and moving forward including will take care of Increment 1. Is that your...answer your question?

COUNCILMEMBER KING: So, right, but is that what that exists...you said you just implemented another agreement this week?

MS. TAOMOTO: Yes.

COUNCILMEMBER KING: And so, is that what's described on this cover page?

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CHAIR SUGIMURA: Yes.

COUNCILMEMBER KING: The County currently may draw up to 1.5 million gallons per day?

MS. TAOMOTO: Yes.

COUNCILMEMBER KING: Is that...okay, so how...my question was originally how many years is that good for? Or is it just on a one-year basis? To be looked at every year.

MS. TAOMOTO: The existing agreement, and the date of the agreement is September 14th, under the terms of the agreement it's a one-year term and it has an automatic renewal every year subject to EMI's continued receipt of permits or receipt of a lease from the State Board of Land and Natural Resources.

COUNCILMEMBER KING: Okay, so, and then how long does that go, I mean, automatic renewal just till the end of time?

MS. TAOMOTO: Charlie could answer to that, but yes it's automatic renewal subject to their receipt of permits.

COUNCILMEMBER KING: Okay. Well, I know that their contracts have automatic renewals, but they end, they're like three, for three to five years or something like that so this one sounds like it just goes on indefinitely?

MS. TAOMOTO: As long as they have the permits it's an automatic renewal, subject...

COUNCILMEMBER KING: As long as they have...

MS. TAOMOTO: But there is a termination clause...

COUNCILMEMBER KING: Okay.

CHAIR SUGIMURA: Thank you. Are you done?

COUNCILMEMBER KING: I think we're getting another response to it.

CHAIR SUGIMURA: Mr. White, do you have a question?

COUNCILMEMBER KING: Actually, Chair, I still have the floor, and I think we're getting --

CHAIR SUGIMURA: Okay.

COUNCILMEMBER KING: --another response to my question, so.

CHAIR SUGIMURA: Okay, Mr. Loomis?

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MR. LOOMIS: Good morning, all. Charlie Loomis from A&B in Honolulu, and I'll just to clarify, that not taking offense saying that I'm general counsel, I'm not a lawyer anymore, I'm not supposed to be a lawyer anymore, I'm Vice President of Land Assets for A&B although I do still help out in a lot of legal matters. Just to try to give a little more perspective to the group this morning. The...there are two agreements. What you see here this morning addresses water for Increment 1, the 262 acres that's before you this morning. And there's another agreement, the EMI water agreement of which I think you're all aware of, this is what is 1973, there's been numerous amendments to it. It didn't end, but it wasn't renewed. It was our position that the matter, that even though there wasn't anything formally in writing that it automatically renewed and went on and on. There was some question about that, and so therefore we executed another agreement last week, or this morning, last week I guess it was, that just documented the fact that this is how water's been delivered Upcountry to the County which includes water that goes into the Kamole Treatment Plant for potables, and then there's also the 1½ million that comes down for the existing ag park. What happens is that the pumps to the ag park, and Darren and others can speak way better than...to this than I, but the pumps are now located before the reservoir. In order to get 1.5 million out of the ditch, pumped up mauka, to the ag park, 2½ million gallons of water, MGD must flow through that. That's...and this has been for probably 20-plus years it's been designated as an inefficient system. It's better to locate the pumps on the backside of the reservoir, let the water flow into the reservoir, and then take the water Upcountry, up mauka. It's more efficient. It provides more security for water, and that's the way that has been suggested for many, many years. And so, we did two things. We signed this agreement to recognize that the EMI Upcountry water will continue on on a year-to-year basis until things suss out with the EMI leases as...and which you know has been ongoing for many years. IIFS rulings just kicked in, lease applications are pending. With respect to the 262 acres, when the County approached us and said they wanted this land, we looked at this parcel, it was a separate parcel, it could be transacted now, it's good ag land, and water is available. And the water that we're talking about is the extra million gallons that has been flowing through the ditch system, and therefore we entered into this second agreement that you have, I believe, that specifically talks about water for the 262 acres. It will...it provides that that million gallons is available whether or not the pumps are relocated because there will still be one MGD that will flow past the pumps, and so even if you needed water tomorrow, or the day after you close, there's a million gallons that can be taken out of the reservoir. But, ideally, the pumps will be relocated. The County has money from the State to do that, and at that point basically you're talking 2.5 million goes into the reservoir, 1.5 of which can go mauka up to the existing ag park, and another million can go over to the new Increment 1 parcel.

COUNCILMEMBER KING: Okay, well thank you for that. And what was the existing ag park, what's the acreage there?

MR. LOOMIS: I have to defer to the County.

COUNCILMEMBER KING: Okay.

CHAIR SUGIMURA: Ms. Rasmussen?

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MS. RASMUSSEN: Roughly about 330 acres.

COUNCILMEMBER KING: Okay. So, you got a per acre amount of water that you're calculating?

MR. LOOMIS: The...again, I'm not the farmer.

COUNCILMEMBER KING: Oh, okay.

MR. LOOMIS: I know that we talked about and at least a million gallons I'm told and I'm assured and I believe the County feels comfortable in that regard as well that one MGD is sufficient for the new Increment 1.

COUNCILMEMBER KING: Okay. Alright, I'll yield the floor, thank you.

CHAIR SUGIMURA: Thank you.

COUNCILMEMBER KING: I got other questions later.

CHAIR SUGIMURA: Anyone else have...Mr. White?

COUNCILMEMBER WHITE: Thank you, Chair. I don't have any questions for Mr. Loomis --

CHAIR SUGIMURA: Oh, okay.

COUNCILMEMBER WHITE: --if he wants to sit down or if others want to ask him while he's up there.

CHAIR SUGIMURA: Anybody have any more questions? Okay, thank you. Anyone have anymore --

COUNCILMEMBER COCHRAN: Chair?

CHAIR SUGIMURA: --questions? For Mr. Loomis?

COUNCILMEMBER COCHRAN: Chair, so, he'd be all the, just the technical water on behalf of A&B or is that Mr. Strand?

CHAIR SUGIMURA: So, we'll...if it's about...we're asking him legal questions so --

COUNCILMEMBER COCHRAN: Oh, well.

CHAIR SUGIMURA: --if you have a water.

COUNCILMEMBER COCHRAN: No, not right now I guess.

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CHAIR SUGIMURA: Okay. Okay, we'll get back to you then. Thank you. Mr. White?

COUNCILMEMBER WHITE: Thank you. Of the...you mentioned that the ag park is 330 acres. Is that 330 acres in production?

MS. RASMUSSEN: That's 330 usable acres. That's what the lessees are being, that's what they're actually being charged for. They don't get charged for, you know, gulch and so forth. I think the actual acreage is more. At any one time a portion of everybody's lot is in rotation, so, you know, farmers, we consider that active production because you're having to rotate and you have to rest fields and so forth. So, every lot in the Kula Ag Park is leased. It has been for years actually and they are turning over to younger farmers with those assignments, with those lease assignments. But, that being said, two years ago, three...about, no I would say about five years ago we did have a waiting list for farmers that wanted to get on. That has slowly worked its way out as farmers wanted to retire, and then some of those farmers came in and purchased the remainders of those leases. So, right now we are not maintaining a waiting list.

COUNCILMEMBER WHITE: Okay. Of the 262 acres, what is your estimate of what will be useable?

MS. RASMUSSEN: You know, I have not been able to see a topo of that as far as I think there are some small sections, but I would defer to Mr. Strand on that.

COUNCILMEMBER WHITE: If you don't mind, Mr. Strand.

CHAIR SUGIMURA: Mister...Darren, do you have an answer for that?

MR. STRAND: Yeah, the parcel has some gulches and some areas that may or may not be useable. It really depends on the type of farming that folks want to do. And for sugarcane they laid out a field for, you know, production runs and getting large equipment to, and so we used about 75 percent of the field for sugarcane production. And, you know, there's usually when you lay out a farm maybe 8 to 10 percent of it are roadways and unusable, so I generally, if I'm doing those kinds of calculations use a number like 75 percent of the area is arable and usable for agriculture. But, the farmers in the ag park always, in the current ag park always surprise me and they find a way to farm in places that may be, you know, wouldn't have been good for sugarcane or pineapple or those kinds of crops.

COUNCILMEMBER WHITE: Yeah, I guess my question is do the, does the 1.5 million gallons go into 330 usable acres? Does that line up gallons per acre with the usable portion of the 262? Just roughly it looks like the numbers work there, but just want to be certain that we're getting what we would likely be able to use there.

MR. STRAND: So, the, again to bore you with the way that the calculations work in my mind. If you take the 262 acres and assume that either way you can...I assumed like a medium evapotranspiration crop, a crop that uses kind a medium amount of water, maybe a soybean type of a crop or something like that, and calculate it out with 75 percent of

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the land usable, you need about 800,000 gallons. And that also assumes that that, those acres are being farmed all the time which isn't necessarily realistic. So, and then if you assume that all the farmers gonna grow high evapotranspiration crops, crops that need a lot of water, the need is about a million, or 1.1 million on that kind of math, and so that range is within that, and that's how we calculated it. We kind of came into that number from that direction and I think that it, the other way to back into it is what are the farmers in the current ag park using on a per meter or per acre basis and kind of back into the numbers. So, I think that that number is very realistic and appropriate.

COUNCILMEMBER WHITE: Okay, thank you. And Mr. Loomis also mentioned that, I'm not sure who this should go to, but mentioned that we've reached an agreement on the EMI ditch use. I'm assuming that's the water that's coming through Kamole and other, possibly other ditches. Is there any estimate of when we'll be able to see a copy of that agreement? Or when that will be?

CHAIR SUGIMURA: Is that...

COUNCILMEMBER WHITE: When and if that will be presented to Council?

CHAIR SUGIMURA: Is that water or? Ms. Rasmussen or Jen?

MS. OANA: So, you're talking about the new, the new global water agreement for Upcountry?

COUNCILMEMBER WHITE: Correct.

MS. OANA: We weren't planning to pass it out as this is, this item was pertaining to the Increment 1 purchase. So, we can pass it out. I don't think we have copies right now, but we have it available for you guys to see when you want.

COUNCILMEMBER WHITE: Yeah, I think, Chair, I think, I'd to request that.

CHAIR SUGIMURA: Okay.

COUNCILMEMBER WHITE: Because I think, you know, while this is pertaining just to that one purchase, I think the global water decisions --

CHAIR SUGIMURA: Water needs.

COUNCILMEMBER WHITE: --is really something that we need to take into consideration at the same time.

CHAIR SUGIMURA: Okay, so we'll request that. Thank you. Ms. Oana?

MS. OANA: You know that global water agreement, although I agree it's important for you guys to look at and see, you know, this item you have in front of you is for the Increment 1 purchase, and I can see the correlation that you want to see the Increment 1 water delivery agreement, but if you want to talk about the water, the global water agreement

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we have with A&B, I'm thinking maybe that would more appropriately be in Mr. Atay's Committee.

COUNCILMEMBER WHITE: No, no question. I'm just asking if it's going to be made available. I'm not suggesting we...I don't believe that we can talk about that today.

CHAIR SUGIMURA: Thank you.

COUNCILMEMBER WHITE: Just interested in the availability.

MS. BAISA: Chair, we have no objection and we'll be happy to. We did talk about it in working on these agreements and we agreed that it'd probably be a very good idea to bring as an item to Mr. Atay's Committee and spend some time looking at it 'cause it's important.

COUNCILMEMBER WHITE: Yeah.

MS. BAISA: Thank you.

COUNCILMEMBER WHITE: Yeah, and if, when you transmit it if you can transmit it to all Members rather than sending it through me. 'Cause then that way they get it earlier --

MS. BAISA: We'd be very happy to do that.

COUNCILMEMBER WHITE: --as you know.

MS. BAISA: Sure. Thank you.

COUNCILMEMBER WHITE: Thank you. Thank you, Chair.

CHAIR SUGIMURA: Thank you. And I...Ms. Cochran and then Mr. Atay.

COUNCILMEMBER COCHRAN: Thank you, Chair. And so yeah, I'm trying to kinda decipher this water delivery agreement that was just given to us because it's...so it's confusing to me. Increment 1 is being denoted by two different tax map keys, that's why here, in A, Increment 1. So, Increment 1 we are saying that's the newly purchased park land? Increment 1. So, existing Kula Ag Park is just called ag park? Kula Ag Park. So, now we got a second parcel to add to the existing, but we're calling it Increment 1. Is that what we're doing? Or is the existing ag park Increment 1?

MS. BAISA: My understanding is the definition is the one we have now we call the Kula Ag Park. Increment 1 is the new piece that we're gonna buy. Hopefully there might be another piece which would be Increment 2.

MS. OANA: So, 1.5 that you see in that recital goes to the existing ag park, the current ag park we have right now, and the 1.0 that you see in this new agreement, that is solely for Increment 1, the purchase you guys will be approving in this meeting, or next meeting.

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COUNCILMEMBER COCHRAN: Why is it called that? It's so confusing. I mean, something existing should be 1 --

MS. TAOMOTO: Chair?

COUNCILMEMBER COCHRAN: --something again should be 2.

MS. TAOMOTO: The new agricultural park, which is Increment 1 is the first phase of the acquisition is called the Upcountry Maui Agricultural Park which is the title of our, the water delivery agreement. And the State funds also identify it as such. Upcountry Maui Agricultural Park, and this is Increment 1 of that purchase.

COUNCILMEMBER COCHRAN: Okay, and so alright so that's that. Anyways, confusing, and so that is tax map key ending 002? Is that what we're...

CHAIR SUGIMURA: Ms. Taomoto?

MS. TAOMOTO: Increment 1...

COUNCILMEMBER COCHRAN: Two dash five dash zero zero one colon zero zero two, that's Increment 1's tax map key?

MS. TAOMOTO: Yes.

COUNCILMEMBER COCHRAN: Okay so then going down to item C. So, I'm looking at the agreement itself, first page. That was item A I just spoke about. Now, I'm going to item C and C is mentioning Increment 1 as :001 here?

MS. TAOMOTO: No.

CHAIR SUGIMURA: That's existing.

MS. TAOMOTO: Let me just clarify. The, you're correct, A is referencing Increment 1, tax map key parcel 2. C is referencing the location of Reservoir 40 which serves...located on an A&B parcel near the existing the Kula Ag Park and Increment 1. So, that's for Reservoir 40.

COUNCILMEMBER COCHRAN: Okay, and so and also I'm trying to figure out if I guess is there like a global use, that global water agreement or whatever that you're mentioning. Is that...

MS. TAOMOTO: That would be item D.

COUNCILMEMBER COCHRAN: Item D. So, the total amount will be 1.5 and that one point...see currently may draw up to 1.5 and that is to feed Kula Ag Park increment, the new. The old, the new --

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CHAIR SUGIMURA: Existing. Existing.

MS. TAOMOTO: Let me just...

COUNCILMEMBER COCHRAN: Only existing.

MS. TAOMOTO: Let me just resummarize. 'Cause Charlie kinda said it. The 1.5 is for the existing Kula Ag Park. Okay? Item D. That's for the existing Kula Ag Park.

COUNCILMEMBER COCHRAN: So, here's my general big question, and it is are we gonna have enough water to serve existing Kula Ag Park, new Kula Ag Park, and expansions, further expansions if there is any, and the Kamole? So, we have existing users to the system. Not just, you know, is there gonna be overall enough? And where is that written here and how is that commitment stated in black and white agreed upon? Because it feels like we're taking from one to inadequately supply another and I don't see how this all comes together to give me confidence that everyone's gonna be supplied water.

CHAIR SUGIMURA: Mr. Strand?

MR. STRAND: Yeah, thanks. So, the existing agreement to provide water to the Kula Ag Park I think is sufficient. Sufficient water to pump from the ditch, and it's been working except, you know, there's been years of drought. There's been issues with the ditch system. Maybe it's been shut down for a few days, and but outside of that I think it's provided enough water to the users in the existing ag park. Our concern with the Increment 1 purchase was similar. Was there going to be enough water? And so that's where the efficiency in using the water at the outlet of the reservoir instead of at the inlet of the reservoir from the ditch system provides the efficiency to make sure that there's enough water for this increment and anything into the future for both parcels. So, the reservoir itself, I mean, I'll just kinda just go a little farther into it, so the reservoir itself holds about 62 million gallons of water. There was some questions about the status of the reservoir. It's regulated by the DLNR. We go through inspections. It's compliant with inspections. Every year there's always like a few things that, you know, they come out and say well you need to remove this vegetation and everything, but the reservoir itself is in compliance and operates the way it's supposed to, and it's safe. I think it's, I forget how they categorized the reservoirs, but it's a low-risk reservoir the way that it's built and where it's stationed. So, anyways yes I think that there's enough water currently in the existing agreement for the Kula Ag Park and then using the million gallons from the reservoir system ensures that there is efficiency to have enough water for the Increment 1.

COUNCILMEMBER COCHRAN: And a follow-up, Chair. So, and this goes to the Water Department, but I'm talking about also the other uses. Kamole treatment and, you know, overarching the water meter list upcoming. How is this all playing in together?

CHAIR SUGIMURA: Ms. Taomoto?

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MS. TAOMOTO: Thank you, Chair. The existing agreement which is referenced in item D which is the one that we're gonna pass out later or give you, provide to you later, provides for sufficient water for our Kamole Water Treatment Plant.

COUNCILMEMBER COCHRAN: Where...wait, in item D it says that?

MS. TAOMOTO: Item D refers to an existing agreement.

COUNCILMEMBER COCHRAN: Okay.

MS. TAOMOTO: That is the agreement that I mentioned was executed September 14th that assures that the Water Department has water for the Kamole Water Treatment Plant. And this is the one we're gonna pass out later. Provide to you later. As far as the expansion of the Kamole Water Treatment Plant, that is something that still requires discussion with A&B and it depends on the East Maui interim instream flow standards, and how we move forward with that, or they and us move forward with that...and their leases. Their long-term lease which they're still working on.

COUNCILMEMBER COCHRAN: Right. So, a lot of moving parts here. And lastly, Chair, on item F, improvements. It's prudent to improve the infrastructure to more efficiently use water from the ditch system, and on and on. What's the cost on that? Do you have any idea?

MS. TAOMOTO: We have an estimated idea that it's gonna cost 3.5 million and that is the amount of State funding that we secured. We, upon, I guess, approval of the acquisition by this body, my understanding is the Mayor will request the Governor to release the funds for the 3.5 million to make the park improvements. The pump improvements, sorry. And the 3.5 is the number we're working with and we feel it's within...it's a, you know, it's hard to say because we haven't gotten to the design because the design money is the 3.5. So, once we get the 3.5 we'll fine tune the nuts and bolts of what we need to do to relocate the ag park pumps, and I'm sure you'll hear from us if it's insufficient funds to construct the pump improvements. Thank you.

COUNCILMEMBER COCHRAN: Okay. This is going to be a lot of money. Thanks.

MS. RASMUSSEN: If I might add one thing to that. We had an estimate from an engineering firm that we had go into the Kula Ag Park and kind of give us a whole laundry list of all the things, all the maintenance, and repairs that might need to be made, and we asked them to kind of triage that list, and moving the pump was one of the most important ones. And at that time, and I think this study was done for us about four years ago, the estimate was 800,000 for this pump to be moved. So, I think 3½ million is plenty to get this project done.

CHAIR SUGIMURA: Thank you. Mr. White?

COUNCILMEMBER WHITE: Thank you, Chair. And thank you for bringing that up because I think the important thing that we have to remember is that we currently have the only

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County ag park. All the other ag parks are State ag parks. So, about five or six years ago, early in the Administration we all approached Kyle Yamashita and said, hey, can you help us out with this because you guys have funded State ag parks on all the other islands. We don't have one, but you can help us. And so, he's helped us with the purchase of the, or getting the money for the purchase of the land. He got us money for the purchase of a previous deal that didn't come through and, in each case, he has also added funding for the water system upgrades. So, I think we need to thank him a whole lot because he's in charge of the House Finance CIP list and he's made sure that he is doing a number of things to try to take care of us. And, you know, I disagree with him on a whole bunch of other things that he does, but on this one he's been an incredible help to us. So, kudos to him for that.

CHAIR SUGIMURA: Thank you. Mr. Atay?

COUNCILMEMBER ATAY: Thank you, Chair. I know the item on PEA-71 is focused discussion on the acquisition of this 262 acres; however, in the discussion there's a lot about water and I wanna take it back to August 16th. I did have a meeting with representatives of A&B in discussion of this project and purchase, and what was mentioned was the purchase of this 262-acre parcel would trigger the water agreement with A&B. And so that was the beginning of my inquiry. I said, oh, what water agreement? And so the meeting that we had on August 20th there was a series of questions that I asked, and I still need to have that answered so that I can understand with clarity. Now today, I get information that, oh, there's agreements from 1973 that's an unwritten agreement. There's water agreement from 1977 with A&B and EMI. There's from 1998 we're in a fifth amendment of the existing Kula Ag Park water agreement which now I'm told that we're now in the eighth agreement. I have yet to see any of these documents. So, Chair, if I can I'd like to request that for me to be able to come to good decision making I still need to receive these so-called agreements whether they're unwritten or written. I'm flabbergasted that there is unwritten agreements. In the existing Kula Ag Park which was created in 1973, if the majority of the leases, the ag leases were 50-year leases, we are now coming up on five years left on these master leases yeah? And yet I inquire, I said where's the water agreement for that ag park? Do we have a copy of that? And I get handed this morning of an agreement that was agreed upon on September 14th, yeah, which is a water delivery agreement which is charging us 6 cents per thousand right. And so for me, Chair, I'd like to request receipt of those documents and if not as Chairman of Water Resources, because this PEA-71 item is not a discussion of water, so I will be making formal requests to the Chair for an understanding of where we are with the various water agreements.

CHAIR SUGIMURA: Okay, thank you. So, Shelly, you got that? Yeah. So, thank you for focusing...

MS. RASMUSSEN: Can I just make one clarification?

CHAIR SUGIMURA: Oh, okay.

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MS. RASMUSSEN: I'm sorry. So, Councilmember Atay, I just wanted to let you know that the first leases given out for the Kula Ag Park happened in 1984. So, not in the '70s, it was in 1984.

CHAIR SUGIMURA: Thank you. So, again, going back to the item that we have on the agenda which is PEA-71 approving the acquisition of the 262 acres. So, what the Water Department has done, A&B, and OED, with the help of Jen Oana, is to provide to you a copy of this water delivery agreement which is to service the 262 acres. So, today, if we were to take a vote on this what the Water Department is saying after review, and you can correct me, Jen, but after review with A&B is that we have enough water to take care of the 262 acres. That was an item that came up when we had our last meeting when we talked about the A&B land. So, we wanted to get this to you and because it hasn't been posted for the community to see as we have, you know, testifiers who've come and had questions regarding this, that just in terms of fairness to other Members that's not here as well as the public, I'm gonna be deferring this item so we can take action hopefully to meet this, the agreement with A&B by November 1st. We need to finalize our agreement to purchase and to move forward with the expansion of the existing ag park to this 262 acres which OED is calling it phase one of this agreement. Ms. Oana, do you have a...are you having questions you wanna discuss?

MS. OANA: No, I'm just conferring with the Director about Mr. Atay's request. I believe it's more appropriate to review those water agreements in your committee. It has little to do with this item, but this item's Upcountry, this item, with regards to this item this Upcountry Maui Water Delivery Agreement is appropriate to be reviewed in this Committee, but as a whole with regards to Kamole Water Treatment Facility and other users, I think it's best to hear it in your Committee. So, is that okay with you? Okay.

CHAIR SUGIMURA: Yeah. Ms. King? Thank you.

COUNCILMEMBER KING: Yeah, thank you, Chair.

CHAIR SUGIMURA: Thank you, Ms. Oana.

COUNCILMEMBER KING: I think it's relevant because we're talking about the water system and not just one increment of it because if you rob Peter to pay for Paul you still have to answer to Peter. So, we're trying to figure out is this agreement and all we, really all we have of what was, what's called the existing Kula Agricultural Park Agreement is one sentence on this page. So, you know, I think before we make a decision we have to look at holistically where's the water coming from, where potentially, what would happen if that ditch got down to 6 million gallons day? How would that affect water users Upcountry as well as the two ag parks that we're talking about? The other questions that I have that haven't been answered and I just saw Mr. Teruya leave the room, but I was hoping to get, to also ask a question if he could clarify the assessment versus the appraisal. If the tax assessment is \$27,000 last year for this parcel, why are we paying 5.9 million? And so, I think that's a question that he could answer. As well as I have questions that maybe Ms. Rasmussen could answer about, you know, I've talked to people who thought that we, that the reason we didn't have a wait list on the existing

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ag park was because we quit keeping one versus it dwindling down. So, you know, people that want to get on that wait list, is that still open for that? And then, what is the plan for this new ag park? There's a, you know, as was testified earlier there is a lack of, you know, local farmers that are farming regeneratively or organically on our ag park lands, and so is there a plan to put more of these local farmers who are doing smaller parcels, but trying to do, you know, new methods of farming without pesticides? Is that, is your plan to put them on this new land, or, I mean, how are we going to move into that which I think is extremely important for our future? And that's one of the questions I think before we move forward into just buying more land because it's a great way to get \$5 million into our County, what are we gonna, what is the plan for that? And is there going to be an effort made for getting more local farmers on this? And then the other, I mean, this is a lot of questions because we didn't have a chance to ask these questions last time, but the other thing is what are charging to the farmers for water because--

CHAIR SUGIMURA: Ms. Rasmussen?

COUNCILMEMBER KING: --I know it's, we're talking about paying A&B 6 cents per gallon, so if that's what we're passing along that's a huge advantage for those farmers in that area versus Central Maui where we're paying 50 cents per thousand gallons. So, you know, how are we...that's why I think it's important to know what the plan is because, you know, everybody would like to get water at that rate if they can, but I don't know what the plan is for getting more, you know, the access to that land.

CHAIR SUGIMURA: Ms. Rasmussen?

MS. RASMUSSEN: So, if I can remember all those questions.

COUNCILMEMBER KING: Yeah, sorry about that. I should have told you to take some...

MS. RASMUSSEN: Just prompt me if I miss.

COUNCILMEMBER KING: Okay.

MS. RASMUSSEN: So, back to the list. There...we have just, we have our ag specialist who has basically just takes calls, and when people call about land his, one of his main jobs is to match people up that want to farm with land, and he's been very good at calling people that have fallow land to see if they want farmers on. He's basically tried to match make, you know, with landowners and farmers. So, he does that, but right now, again, there's no...he would just create a list based on the calls that we got. There's no formal thing online or anything like that. So, when it came to doing this new parcel, we did hold an initial meeting and I think at the time Councilwoman, she was a Councilwoman, Baisa was there and we had a, I think Mr. Greenleaf was there in fact, at that meeting, so we just asked people to write down which we have kept that list of what they are interested in, what kind of farming they're interested in, and what kind of crops, you know, that sort of thing. So, asked them, you know, if it's regenerative, organic, conventional, if it's livestock, whatever. So, we do have that list in our office, but the

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problem is right now, you know, it's been, I don't know a year and a half since we had that meeting possibly. And so, we don't have a plan because we don't want to create a plan that is out of sync with what is the need, you know. What is that, who is actually gonna come to table when we actually have a piece of land and because those economics change all the time. A farmer that might be interested two years ago, three years ago, may not be interested today. I mean that situation could have changed drastically right? So, we don't want to say this is how the land's going to be divided up. This is the size of the lots. We don't want to say that yet until we actually have community outreach process so that we can actually put together a plan that is relevant, you know, for that period of time whenever this deal gets finalized. So, that's...

COUNCILMEMBER KING: Okay, yeah that's one of my concerns about not having a meeting of the Kula Ag Park before now because between the end of the Legislative session when this money was committed by the State and today there has not been one meeting about this with either the Ag Working Group or the Kula Ag Park. And that would be the time to start, you know, getting that input from the community so you can see what the need is. The updated need since Ms. Baisa's time on the Council and, you know, knowing that this money was coming 'cause we have to make a decision with the, you know, the farmers in the community saying why should we pay a million dollars of our taxpayer money for this parcel if we're not going to be able to participate which, you know, some of it's coming from farmers who have not been able to participate in the existing Kula Ag Park. So, that's kinda one of the concerns is where is that discussion and why hasn't it been held? And then the other thing is about the, you know, what are we passing along as far as cost of water to the farmers in the existing ag park?

MS. RASMUSSEN: So, the current farmers in the Kula Ag Park pay a dollar, I think it's either a dollar per--

CHAIR SUGIMURA: Ten cents.

MS. RASMUSSEN: --thousand. Per thousand. So, \$1 per thousand for non-potable water. It's...for agriculture as it goes it's very expensive. The State ag parks in Oahu we just recently checked again at what they are paying and typically they're paying about 50 cents per thousand gallons. So, if the system is run by the County that is the rate. You have no other rates. Now, the Council could adopt...

COUNCILMEMBER KING: A dollar per gallon is the rate?

MS. RASMUSSEN: A dollar per thousand.

COUNCILMEMBER KING: Per thousand. Yeah.

MS. RASMUSSEN: Right. That is the ag rate for non-potable. Okay.

CHAIR SUGIMURA: Non-potable.

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MS. RASMUSSEN: Okay, so the County would have an opportunity to create a new rate based on the fact that we're buying it for 6 cents or the Department of Water Supply would have to say well, but this is what it's gonna cost us to maintain it. This is what we need. We have to have a dollar. So, that is going to be up to the Department of Water Supply and this body, you know, how they're going to make those, set those rates. Yeah.

COUNCILMEMBER KING: Okay.

MS. RASMUSSEN: Yeah.

COUNCILMEMBER KING: So, because this would be an additional income stream for the Department of Water Supply if we're buying water at 6 cents per thousand gallons and then we're selling it at a dollar per thousand gallons.

CHAIR SUGIMURA: Water? Do you wanna...

COUNCILMEMBER KING: Or is that what it, does it cost --

CHAIR SUGIMURA: Department?

COUNCILMEMBER KING: --94 cents per thousand gallons to provide that system?

MS. BAISA: I have not been involved in a water rate study yet; however, I am sure that our water rates are done by a complete consultant coming in and doing a good study of what is needed in order for, to keep the Department running, and it's approved by the Council, you know, during budget. You approve the rates and that's what we go with. I can't really tell you what the details of like I said I have not been involved in a rate study. We are about to begin looking at one and I think it's very important. You know, we've always tried to give as much subsidy as we can. So, I'm sure that there are very good reasons why we're charging that dollar. It costs a lot of money to run the Department. You know, the longer I'm there the more I see how very, very important repairs are, they're very expensive. Our personnel are expensive. They have to be paid. We have all kinds of repairs and maintenance that is overdue and if we're gonna improve our system we're gonna need more money. We just cannot continue to keep rates the same.

COUNCILMEMBER KING: Okay, well I think it's a good idea to do that study because, you know, yeah we do approve, the Council approves it --

MS. BAISA: Correct.

COUNCILMEMBER KING: --but we're not experts so we're relying on the experts to give us the information --

MS. BAISA: Correct.

COUNCILMEMBER KING: --and, you know, not, beyond just general statements about how expensive it is to run the system, so I think that's really important.

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MS. BAISA: I totally understand. Like I said, I don't have the expertise. I haven't been through a rate study, but we are about to get in one and I do know that we hire a very outstanding consulting firm to take us through it.

COUNCILMEMBER KING: Okay, and then so I don't know, Chair, if we can maybe next if you're gonna defer this to another meeting we can have Mr. Teruya here to just explain, you know, why we're charging so little on the assessment side and then we're paying so much for the property. If we're using important ag lands as comparables...

CHAIR SUGIMURA: He's here.

COUNCILMEMBER KING: Oh, are you here?

CHAIR SUGIMURA: Yeah, he's here.

COUNCILMEMBER KING: Oh.

CHAIR SUGIMURA: Mr. Teruya?

MS. BAISA: He was hoping...

COUNCILMEMBER KING: He thought he was getting out.

CHAIR SUGIMURA: So, Mr. Teruya and is that Mr. Walker? It is, so one of you want to come down and explain what is assessed value versus appraised?

COUNCILMEMBER KING: And also, if you could talk about if we're using important ag lands as comparables?

CHAIR SUGIMURA: The Department submitted a response to us on this question that's in Granicus, but Mr. Teruya is here so would you like to explain to us?

MR. TERUYA: Thank you, Chair. Morning, Members. Scott Teruya, Real Property Tax Administrator. I'll just reiterate the memo sent September 5th to the Chair. It basically outlines, I'll kind of reference some of the items here, it says the TMK 2-5-001-002 containing 262.288 acres has a market assessment of six point six million nine thousand seven hundred dollars for the 2018 assessment year which equates to about 25,200 per acre. It further goes on to say Maui County Code 3.48.350 states that the owner of any parcel of land within an Agricultural District may dedicate for land for a specific agriculture use and have their land assessment as its value in such use. Therefore, the in-use value, I believe, is \$420 per acre which comes out to...further they have a 20-year dedication which gives you at half, 50 percent off, so the 2000 assessment year the assessed value was calculated as follows: 262.288 acres times \$104 per acres equals \$27,277.95. So, rounded to \$27,300. This is not unusual. Any agriculture parcel that has a use value, we maintain two values. One is a market value and one is a agriculture-use value, Chair.

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CHAIR SUGIMURA: Okay, thank you.

COUNCILMEMBER KING: Okay, yeah just to follow up. You said the agriculture use value was 420 an acre? That's what I just wrote down from your...

MR. TERUYA: Chair?

CHAIR SUGIMURA: Yes?

MR. TERUYA: In 1995, let me just go back through the letter. In 1995 when the dedication was fulfilled the parcel remained dedicated for sugarcane use on a year-to-year basis. It was assessed not at market value, but at \$420 per acre based upon 50 percent of the sugarcane use value. For the 2017 assessment year the owner amended the dedication from sugarcane to pasture use. The 20-acre dedication value for pasture is \$104 per acre. Therefore, the 2000 assessment year the assessed value was that calculation. So, it was changed in 2017 from sugarcane to pasture.

COUNCILMEMBER KING: So, was it being used as pasture?

MR. TERUYA: Chair, that is what we have from our records.

COUNCILMEMBER KING: Okay, so we're buying pasture land and we're gonna be using it for ag, so the value presumably goes up? Is that what they're saying?

MR. TERUYA: Chairman?

CHAIR SUGIMURA: Yes.

MR. TERUYA: Agriculture use you can use multiple uses. You can use it for sugarcane, you can use it for pasture --

COUNCILMEMBER KING: Right.

MR. TERUYA: --anything agriculture they're all agriculturally acceptable from our standpoint, so all we are doing is exactly what the Code says. We just...it's a value in use. So, whatever they say there is that there is a valuation for that type of use.

COUNCILMEMBER KING: Okay, so if it was being used for pasture and it wasn't being used for agriculture do we have an assessment on how...of whether it's appropriate for agriculture, I mean maybe Mr. Strand can answer that.

MR. TERUYA: Chair?

CHAIR SUGIMURA: Mr. Teruya.

MR. TERUYA: For us pasture use is the agriculture use.

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COUNCILMEMBER KING: Oh, no I understand that. I'm just saying, you know, we're talking about market value going way down because it's pasture instead of agriculture, but if it was used for pasture because and then we're getting taxed at pasture land rate is it then today appropriate. Is that land, this is not a tax question, but for Mr. Strand, is that land that we're buying, is that an appropriate ag land for what we want to do because we want to do farming there? It's, you know, is a higher use requiring --

CHAIR SUGIMURA: Mr. Teruya?

COUNCILMEMBER KING: --better soils and assuming then pasture land.

MR. TERUYA: Chairman, from the Real Property Assessment Division standpoint, whether it's used for pasture or sugarcane or any other agriculture use, our highest and best use value would remain the same.

CHAIR SUGIMURA: Agriculture.

MR. TERUYA: Thank you. Yeah.

COUNCILMEMBER KING: Yeah, I understand that, but the...well, if the highest and best use, is it a timeframe where it went down from 420 to 104 then? Because highest and best use to me, and we talk about this all the time, is what the potential for that is, so if the potential for highest and best use is farming at 420 why are we allowing them, why are allowing pasture land to be taxed at 104 per acre?

MR. TERUYA: Chairman? Okay, first of all, 420 to 110 that is a use value. That is not market value. That is a use value based on our County Code. So, that use value is a study that we've gone through this at BF-70. The production use is the productivity of rent for the land per acre. The 420 is based on sugarcane. The 110 is based on pasture. So, that has nothing to do with market value. That's agricultural use values.

COUNCILMEMBER KING: So, you're taxing on the actual use not the highest and best use that could be done which is what I think we do with, with some of our...

MR. TERUYA: Okay. Chairman?

CHAIR SUGIMURA: Yes?

MR. TERUYA: I think we're getting mixed up here. Market value never changes and it's always there, but when you have use value and you're doing essentially agricultural use, your production or your value is based on its productivity rating or the use. So, in sugarcane it's 420 per acre and in pasture use it's \$104 per acre.

COUNCILMEMBER KING: So, you're not, that's what I'm saying, so you're not taxing on what highest and best use of that property is, you're taxing on actual use, and so it goes down if they claim pasture land? That's what we're saying.

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CHAIR SUGIMURA: Mr. Teruya.

MR. TERUYA: Chairman, yes, that's correct.

COUNCILMEMBER KING: Okay, so I understand that then. So, I guess my question is, you know, now if it's been, I don't know how long it's been in pasture land, but I'm assuming quite a few years, so is it now, are we now buying, since we're buying it at market value for agriculture for our use which wants to be farming, is that, has that land been assessed for its use as farming? The soil and the, you know, I mean some of the other things that came up were, you know, archaeological issues and stuff like that. So, have...do we know that we're going to be able to farm there? And this is a question that comes up, I think it's going to come up over and over again about former sugarcane land, and but especially if it's been turned out to pasture for a number of years. You know what is the translation for farming?

CHAIR SUGIMURA: Maybe that's a Mr. Strand.

COUNCILMEMBER KING: That's who I'm asking.

MR. STRAND: Well, I can take a shot at it. So, the last sugar harvest I believe was in 2015, and those particular fields were, you know, I wasn't there, but they I think yielded okay to good. You know, it's at the end of the water system so I think a lot of times it was dependent on, you know, sugarcane is kind of a thirsty crop, but they were very fertile fields for the sugarcane harvest. And then after the last harvest it was a portion of the area was fenced off and I believe subleased for pasture. Just to keep it in agricultural use. It's my feeling that the soil is fertile. There's a couple types of soil that's very similar to the soils and fertility in the current ag park. It's a good climate for vegetable crops or fruit crops. Again, it's very similar to the conditions that are at the existing ag park where they grow all sorts of things from nursery crops to flowers to fruits and vegetables. So, yeah, I think the fact that it was just most recently in pasture use isn't an indication of its fertility as much as just the actual use that was on it at the particular time.

COUNCILMEMBER KING: Okay, so you've just been using it as pasture land since 2015 then?

MR. STRAND: That's correct.

COUNCILMEMBER KING: And then the tax rate went down. Okay. Thank you. Thanks for that explanation. Thank you, Chair.

CHAIR SUGIMURA: Thank you. Good questions. Members, any other questions you have on this item? Again, I'm gonna...I would love to pass this today. I feel like we have all the documents that we need before us and we've had good explanations, but I wanna get this water, the agreement that we got today, water delivery agreement to go online so if we have any members of the community that might have questions, then we can receive that at the next PEA meeting that I'll schedule it. I wanted to also, some of the questions

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that came up is trying to equate the water, Upcountry water meter list with this and the, just for clarification for the community, the water meter list is for drinking water. It's for when you open the, you know, your faucet at home, the water for you to drink and potable water, and it's not for this kind of water which is non-potable water, so there's no water meter list for non-potable water that goes to the ag park. So, it doesn't interfere with the cumbersome list that we have that you're working on for our many residents that live Upcountry. There was a question about whether is this a ten-year lease for the Kula Ag Park and I think Ms. Rasmussen clarified that it's actually 50-year leases that are made with the farmers, please correct me if I'm wrong. The other question that I read that came through in testimony is I just wanna state that the Kula Ag Park, this expansion of these 262 acres, Phase I and Phase II, is that we're looking at all farmers. And maybe I'm probably saying it too broad, so, Ms. Rasmussen, can you explain that just so that people understand who we're looking at in terms of farmers and maybe they can start calling you at the right time?

MS. RASMUSSEN: Yes, I mean, we've said from the beginning that we're open to having proposals from any type of farming. We do know that we need to have buffer zones and we need to place organic farming in a way that they will not be impacted from traditional farming. So, that will have to be master planned as well, but not until we see what, how many people want certain kinds of farming and then we have to lay it out appropriately which is again why we really can't lay down a plan until we have that community outreach process.

CHAIR SUGIMURA: Thank you. The, let's see, we talked about the money that we got from the State, the 5 million which we just had in our Council meeting, Chair. We did our second and final reading of the \$5 million so we're ready to spend that as well as the 3.5 million was second and final reading that was just brought into the County at our last Council meeting through Council Chair White. So, that all the Members voted on, it's done, and again you heard explanation about that 3.5 million. We are going to ask my Staff is going to get more documentation on what we're calling the global agreement with A&B and that can go with for discussion with Mr. Atay's Committee. It's not related to this specifically. We do have the water delivery agreement for the 262 acres Phase I so that question of water use and availability has been answered through this agreement. I just wanna add that just by going through this process and learning about what A&B has done to accommodate us, they have been providing water to us including my house Upcountry through their agreements continuously and they never said oh, our agreement stopped in 1970 or all these numbers that we're hearing and so they're gonna stop. They have been strong community partners to us in the community. I just wanna say that as we, somehow we look at A&B and we think they're our enemy, but that we appreciate purchasing this 262 acres right now as Phase I and we look forward to Phase II to purchase or lease additional land so that we can expand the use of agriculture. We heard from Mr. Greenleaf. He sent a letter, a testimony which you have in Granicus from him, but he asked very good questions along with his new ones. So, I wanna make sure that we get a lot of the community concerns answered, and for the community this is not a new subject. This is not something that we decided to take up these past few months. It's been even before I started. I remember attending a meeting at the Kula Community Center when the Mayor came with his map, and he was talking

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about him wanting to expand this. He did talk about this two years ago. He talked about expansion of the ag park, I think in his State of the County address, and he didn't say anything about it this State of the County because I, you know, this is all in the works. So, this is not a new idea. People who are feeling like they've just, you know, may not have heard till now, it is not something that the County was keeping a secret, and it's something that they have, OED, Water, and Corp. Counsel have been working on just to be sure that we can expand agriculture and, you know, grow more farmers. So, I think we're all kind of on the same page on that. Any Members have any more questions on this? Ms. King?

COUNCILMEMBER KING: I just wanna reiterate that, you know, I would like to see before we vote on this again, I would like to see the Kula Ag Park board have a discussion on it. I mean I think they've been given plenty of months here to have a meeting on this and I don't know why one wasn't scheduled. But to your point about this not being new, it's new to many people because there are new people coming into agriculture all the time and as with everything else the devil is in the details, and so I would hope that we wouldn't be discouraging people from asking questions and wanting to be more involved in understanding where this is going before we put our taxpayer dollars into it because you march along with something, and just because you put two or three years into it doesn't mean that at the point you're ready to pull the trigger on it that it's got, you know, it's got 100 percent support. So, you know, let's respect the people that are coming forward with questions and have concerns on what, on the plan going forward. I think that's the large part of it is, you know, going forward what is the plan and how many people are because I have heard from people and I don't know, I mean, I think there's different perspectives on it depending on who you talk to in the Department, but I have heard from people that they've called up about being interested in the Kula Ag Park and been told we're not keeping a wait list anymore. And so there's a feeling out there I think that we need to work more closely with our local farmers and there is and I'm glad, I mean, thank you, Ms. Rasmussen, for your understanding of buffer zones and why it's a more, you can't just put organic farmers next to people who are using pesticides because pesticide drift is a real issue. So, I think having that understanding is really important, but I also think that a discussion of what is going to happen before we purchase, we keep purchasing these plots of land and where we're going. A lot has come out in the last couple of years about organic and regenerative farming that we didn't even know previously and we're learning a lot more about what's, you know, about results of various pesticides and things that we're putting in our food and other products and that's why the State just voted to ban Oxybenzone and Octinoxate. So, as we move forward there are these new bits of information, so I just would like this Committee to appreciate the fact that things are changing almost on an annual basis and, you know, let's not look three years past and say just because we all liked it then that it's, you know, we should just pass it. But, these questions are really important, and I appreciate the departments being here, and I appreciate A&B being here to address some of these concerns, and, you know, once they're all addressed I think then we can feel comfortable about voting on this.

CHAIR SUGIMURA: Thank you. Ms. Rasmussen, do you want to...you know this Kula Ag Park, so one of the things that if you could clarify, the Kula Ag Park their responsibility

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is do not, I think a previous meeting had said that it was not presented to the Kula Ag Park to approve, so land purchase is for the Council, but Kula Ag Park doesn't approve land purchase?

MS. RASMUSSEN: We have put the, this purchase on the agenda. Let me explain. The Kula Ag Park Advisory Committee is an advisory committee. Okay. They don't have any authority per se over the Kula Ag Park, but the stakeholders are tenants, banker, community, there's others. Pardon? CTAHR, you know, anyway there's stakeholders that are supposed to be on there, and so typically one of the biggest jobs of the advisory committee was to select new farmers that went in and do the point system and evaluate their applications. So, in the early days the Kula Ag Park Advisory Committee was very, very busy because there were new farmers coming in and so forth, but now that the farms have been...when the big change of ordinance happened about ten, I wanna say 10 or 12 years ago, where the assignments of the remainders of the leases were allowed and that was something that was done by a, by the Council. That changed everything because then it was just an assignment from one farmer to the other and the only thing that OED had to verify was that they had bona fide farming experience. And so, that was, kind of changed the nature of the responsibility of the Kula Ag Park Advisory Committee. So, now it become, we typically meet about twice a year as needed. If there's not a lot of business we don't like to call the meetings because there really just isn't a lot of reason to call these people together, but we did put this on the agenda just to keep informing them of where the purchase was and when we were back working with the Haleakala Ranch purchase that ended up not getting released by the Governor. We informed them all through that process as well. So, they have been, you know, being apprised of this and but their responsibilities by ordinance in the County is for the current Kula Ag Park.

COUNCILMEMBER KING: Okay. No, I understand that and I appreciate that explanation, but I also think that that's one of the few venues besides the Ag Working group that we have to have a community discussion because when we discuss it here on the floor, you know, the community gets to come and give three minutes of testimony and they get no input after that.

MS. RASMUSSEN: Right.

COUNCILMEMBER KING: They can't even stand up and say you didn't answer my question. So, you know, to me it's a good place for that community discussion to be heard and for us to get notes to find out, you know, what things have been discussed and where the community is at. With, you know, the experience of managing or of overseeing that, the existing Kula Ag Park I'm assuming is going to expand to this ag park unless you're planning to have a separate board. So, if this is the board that's going to be handling who gets to come into the next phase then I think it's important for them to discuss...

MS. RASMUSSEN: And that would be ideal, but it would have to be set up by the Council to change the ordinance to give them the power to -

COUNCILMEMBER KING: Right.

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MS. RASMUSSEN: --do that application process in that new section.

COUNCILMEMBER KING: Right, but is that your intent? Or is your intent to create a new board for...

MS. RASMUSSEN: I think that it would be redundant to have two. I think it would be much better to have it under one umbrella.

COUNCILMEMBER KING: Okay.

MS. RASMUSSEN: I think it's more efficient, you know.

COUNCILMEMBER KING: So, I think that's a good reason to have that discussion there then because they will be overseeing the next, hopefully the next phase.

MS. RASMUSSEN: Right.

CHAIR SUGIMURA: So, Ms. Cochran and then I gonna take a short recess after that.

COUNCILMEMBER COCHRAN: Okay, real quickly though I wanted to get back to the statement about this discussion, the water being utilized at the Kula Ag Park being non-potable and then the potable water. The source itself all is the same thing though correct? It's coming from the ditches whether it's Wailoa or Hamakua, I believe, ditches? Feeds into a treatment plant or it doesn't. So, I think that take from the source does affect meters, does affect whether these lands can grow ag on it or not. So, I think the comment about this has no reference to meters is not true. And the IIFS's have everything to do with what's gonna occur during the low-flow times, and I have not heard anything convincing for me that this place is gonna have the water for all uses Upcountry right now. So, you know, I'm looking at your last presentation with hundreds more acreages that this County wants to perhaps purchase and I don't even think we'll have enough for the current uses much less 600 plus whatever more acres A&B, you or this County whatever wants to purchase. So, that's where I think the...we gotta look at the source. Whether we treat it or not it's still came from the one spot and that's being affected by contested court cases and things of that nature at this time. Is that not true? We have to look at that, right? I mean, no agreement in the world is gonna promise us what's in here unless mother nature provides from the beginning.

CHAIR SUGIMURA: Water Department? Do you...

MS. BAISA: You remember in my opening remarks that I did say that yes, we can have all these agreements, but they are all subject to mother nature, and it's the thing that is really important and what this agreement tells me is that we have a spirit of cooperation here that has existed for many, many decades, and I still feel that that's here, and together we'll have to solve it. But, you know, we've talked to the engineers, we've talked to the ag people, we've talked to all the people that are authorities, and they assure us that we do have sufficient water to go ahead with purchasing this acreage. Now, as far

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as tying it into a more global situation where do we have enough water that will take care of all the water meters that we might ever want Upcountry, I think that's a whole other discussion. And I agree with you, it is worthy of discussing.

COUNCILMEMBER COCHRAN: Yeah, thank you. Just wanted to clarify. Thank you, Chair.

CHAIR SUGIMURA: Okay. Thank you. So, at this time I'm gonna defer this item, Members.

ACTION: DEFER PENDING FURTHER DISCUSSION.

CHAIR SUGIMURA: And I want to thank everybody for being here from Water, OED, A&B, our, you know, RPT, and Jen Oana, and I'm going to thank A&B for being here also. Short recess, Members. Come back here at 11:05. . . .(gavel). . .

RECESS: 10:58 a.m.

RECONVENE: 11:14 a.m.

CHAIR SUGIMURA: . . .(gavel). . . Thank you, everyone. Welcome back to the Policy, Economic Development, Agriculture Committee. This meeting is now being called back to order. I have two more items on the agenda.

PEA-75: ESTABLISHING THE WEST MAUI COMMUNITY PLAN ADVISORY COMMITTEE (CC 18-134)

CHAIR SUGIMURA: PEA-75, Establishing the West Maui Community Plan Advisory Committee. Sorry that I quickly scheduled this thinking that I could get the other, there are four applicants that we were not able to vet. One was...two were out of town and hoping that they would be back, but a Leo Joseph Thiner-Brickey confirmed that he would be at the last meeting, but he did not show up, and then we have Joseph Aquino which all of you heard he was involved in the fire, so he tried to stay as long as he could, but he left. I'm gonna try to get them back into a meeting as well as Ravi Bugga and Lee Allen Chamberlain, and schedule this again. So, at this time I'm gonna defer this item and try to get the last four, make one more effort to try to get the last four to come in and talk to you all, and then we can go through the selection process. So, I'm gonna defer this item, Members, at this time.

ACTION: DEFER PENDING FURTHER DISCUSSION.

PEA-68: AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI THROUGH THE CHIEF OF POLICE TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII DEPARTMENT OF HEALTH (CC 18-112)

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CHAIR SUGIMURA: So, the next item that we have is PEA-68, Authorizing the Mayor to Enter...the County of Maui Through the Chief of Police to Enter into an Intergovernmental Agreement with the State of Hawaii Department of Health, and today with us is Kathleen Paschoal from the Police on this. I hear that this is your baby that you've worked on, and so would appreciate hearing from you. So, at this Friday's Council meeting I'm introducing a ceremonial resolution recognizing the month of September as National Suicide Prevention Awareness Month in Maui County. And so at this...for that reason I also wanted to take this up, and if you could then talk to us a little bit about it, and what the intergovernmental agreement would do. So, thank you very much, Kathleen Paschoal.

MS. PASCHOAL: Thank you, Chair. The agreement overall is relatively simple. The police departments will be sharing with the Department of Health information on, or our police reports actually, information from our police reports, and the coroner's reports, regarding violent death in Maui County. Violent death described by this particular project as homicide, suicide, and drownings, and certain undetermined deaths. The information we share with the Department of Health it's Office of Health Status Monitoring, and they received a grant from the CDC. A portion of that, a sub-grant to MPD, would help us put together a workstation for their data abstractors to come to MPD, and take a look at these reports, extract, de-identify data for direct entry into the CDC website directly from my facility, from the department's facility right in our office, and they'll be able to utilize our Wi-Fi in order to enter this, the de-identified data, and I can explain that if there are questions of about what that particularly means. And the purpose of the whole project, the National Violent Death Reporting System is to help communities and governments identify trends in violent death, suicide, homicides. It does focus on suicide, it does to help decision makers better focus on efforts for prevention. And it's an overall really good project. We are 40 states now that are involved in the project with the CDC. It is voluntary and Hawaii, I believe, we've been participating now for about three, three to four years. The project is nearing its end, but we would like to have it continue after the five years are up, which I believe is in August of 2019. I guess that is the summary of it.

CHAIR SUGIMURA: Thank you. The...I know that you mentioned when I talked to you during the recess that the other counties are going to be participating, so can you talk about that?

MS. PASCHOAL: Yes. Currently all the counties participate to a degree. We do not have at this time a memorandum of agreement that we're operating under, and that's the purpose of this is once Maui can establish and we are a little bit ahead as far as getting that underway, the counties are looking to adopt this memorandum of agreement within their counties also. And so that we can all be on the same page about how we're sharing the data and exactly what data we're sharing.

CHAIR SUGIMURA: Okay, thank you. Anyone have questions? Mr. White?

COUNCILMEMBER WHITE: Thank you, Chair. Thanks for being here. I see that the, we're setting up so that the Department of Health is able to access non-identifiable records to

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generate whatever reports they may want to generate. Are they bringing additional information to the table that will assist the Department, or is this mostly to allow them to come in and look at our records, and respond to what they find?

MS. PASCHOAL: Thank you, Councilman White. There is a reciprocal benefit for the departments and for the County as a whole. The CDC website is an online tool, so at...even without Hawaii's data it is available to the public to look at this type of information. Once all the counties have contributed their data to this, to the project then we'll be able to pull out our specified data from that. So, we will be able to see and they'll be able to transmit direct reports at our request as well. I believe for the most part we'll be accessing the data as needed through their online portal.

COUNCILMEMBER WHITE: Okay, thanks. And I notice that this is signed off by Corp. Counsel, but not yet by the Chief of Police. Is this just because this was an earlier copy? Has he now signed the agreement?

MS. PASCHOAL: It has been signed by the Chief I believe.

COUNCILMEMBER WHITE: Okay.

MS. PASCHOAL: There was an addendum to the initial and it has been signed by our Chief.

COUNCILMEMBER WHITE: Okay, thank you, Chair.

CHAIR SUGIMURA: Thank you. Anybody else? Mr. Atay?

COUNCILMEMBER ATAY: Thank you. So, the measurement or the data sent in is only records of death?

MS. PASCHOAL: Yes. The Department of Health will provide us with a list, and they already will have the names of the persons, the deceased parties who they're inquiring about. They have the names from the death certificates. So, what we do is backtrack from that to the police report, and the coroner's report is under the control of the police, the Chief of Police, and those records are gathered. In certain instances some of the information is redacted or sanitized prior to allowing the Department of Health to take a look at it. Some of the more sensitive issues involving juveniles and at that point the reports are shared with Department of Health on premise. They are not, they do not leave our premises.

COUNCILMEMBER ATAY: So, I'm just trying to get clarification. So, the end result of this data is for what? To help the Department of Health what?

MS. PASCHOAL: Prevention measures. Prevention. Suicide prevention. They're trying to establish trends in certain economic tiers. They look at, there are about a hundred data elements that they pull from this from the reports including age, race, sex, religion, relationship status. There are a ton of data elements that they use to identify where the

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trends in suicide are happening, and how they can better make decisions, and implement programs to better help our communities.

COUNCILMEMBER ATAY: That was my clarification here, Chair. I'm a former suicide responder for teen suicides, I did that for several years. I think the data should be inclusive of every response, not just measuring death. Every response that we have should be given to the Department of Health so that same end data that you want to accomplish as to why, yeah, and then we address prevention. But, to only acquire and collect data of post death we missing, you know, 'cause I responded to a hundred, and maybe only one was successful.

MS. PASCHOAL: Right.

COUNCILMEMBER ATAY: So, there were 99 other reasons of why they attempted it. So, how can we accumulate that data?

MS. PASCHOAL: That is a very good question because there are two projects that are simultaneous. The district, the Maui District Office under Dr. Lorrin Pang, is also looking at a project where he's...wants to examine all of the records that you're mentioning. Any attempt at suicide he wants to look at them. It is gonna be dependent on this MOA. Once we set in place a structure to share information with the Department of Health then we can broaden that and we can broaden it to...my responsibility is to make sure that our community's personal information is safe. We're not gonna be giving names. We're not going to disseminate the information further than the purposes laid out in the memorandum. And, once we can get a framework in place for that then we can expand upon that with the Maui District Office and hopefully statewide to be able to share data from all attempts and not just the ones that ended in a death. So, I do agree.

COUNCILMEMBER ATAY: For me, Chair, I'm in full support of this, but personally I would like to see this exchange in data to be expanded into also attempts so that we can get to the true suicide prevention. Thank you.

MS. PASCHOAL: Thank you.

CHAIR SUGIMURA: Thank you. Do you know if like Department of Housing and Human, you know, our Human Services side may be collecting the data that Mr. Atay is talking about? Do you know?

MS. PASCHOAL: I'm not certain --

CHAIR SUGIMURA: Oh.

MS. PASCHOAL: --if they would or not.

CHAIR SUGIMURA: Maybe we can find out.

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MS. PASCHOAL: Not directly from my office.

CHAIR SUGIMURA: Yeah, not from police, but just as to round off that information. Maybe we can find out that information. Anybody else? Oh, Ms. King?

COUNCILMEMBER KING: Thank you, Chair, and then I wanted to follow up on the mutual, the reciprocal benefits statement. First of all, I want to thank Mr. Atay for personalizing it and for the success you've had in preventing suicides. It's so important for our community, but so I just wanted to clarify that the...so we're gonna be giving info to the Department of Health and basically what we're getting back is their analysis of the data as far as trends and potential prevention methods that they've, that they can suggest to us, to our community, and our nonprofits? Are they gonna be working with, who are they gonna be working with on what we're expecting to have as a result of them identifying trends?

MS. PASCHOAL: Well, the Department of Health status monitoring with the...

COUNCILMEMBER KING: Can you speak into the mic?

MS PASCHOAL: I'm sorry. They'll be working with the CDC to gather the information for the CDC project. The NVDRS, National Violent Death Reporting System, is the CDC's project and they unfortunately only do look at decedent information. As far as what the benefit is through the Department of Health, once we share the data and we have a dataset that we can look at that does identify trends in the community, and that information is not only available, but should be actively researched by the different community organizations, and County, or even State-level organizations, and that can make a difference. Without the data we can't do anything, so once...

COUNCILMEMBER KING: Okay. But this is data we're giving to them, so we're getting it back in another form or --

MS. PASCHOAL: Yes.

COUNCILMEMBER KING: --are we getting, I mean, we're giving them data that we already have and then what I was hearing earlier is that what we're getting back is some analysis of this data that they're going to do to identify trends --

MS. PASCHOAL: Yes.

COUNCILMEMBER KING: --and potential prevention methods for...that address those trends. Is that correct?

MS. PASCHOAL: Yes, that is correct.

COUNCILMEMBER KING: Okay.

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MS. PASCHOAL: The analysis is basically a tool that our lawmakers, that our law enforcement, Administration, they can make, you know, within our own Department we have outreach programs and within the County that we can identify maybe this sector of the community needs a little bit more attention, or maybe we can...

COUNCILMEMBER KING: Okay. But, that's the part that we don't have right now.

MS. PASCHOAL: No.

COUNCILMEMBER KING: But we have the data that we're gonna be giving them.

MS. PASCHOAL: Yeah, we have raw data...

COUNCILMEMBER KING: Obviously, we don't need that data back, but what we need to know is if you analyze this data what does that tell us about our community, and the trends in suicide, and other violent death prevention.

MS. PASCHOAL: Right.

COUNCILMEMBER KING: Okay, and then I just wanted to also add my support for Mr. Atay's concern that we do, we have some information about the attempted suicides because and not just those that are successful because that's, I think that's, it's really important to know as part of those trends, you know, why we're in this situation where we have this many attempted.

MS. PASCHOAL: Exactly. I, we this is a stepping stone for that.

COUNCILMEMBER KING: Okay.

MS. PASCHOAL: Once the memorandum of agreement is in place, and we have a framework to share the information that protects privacy and protects the rights of everyone involved then we can move forward to the attempts as well.

COUNCILMEMBER KING: Right. And so, are these workstations that we're developing, are these going to be permanent or are they just temporary?

MS. PASCHOAL: There will be one workstation in my office.

COUNCILMEMBER KING: Okay.

MS. PASCHOAL: One computer.

COUNCILMEMBER KING: Okay. And is that going to be a permanent workstation that will address this issue?

MS. PASCHOAL: Yes.

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COUNCILMEMBER KING: Okay. So, that's one of the things we'll be getting out of this --

MS. PASCHOAL: Yes.

COUNCILMEMBER KING: --okay--funding. Alright, thank you.

CHAIR SUGIMURA: Thank you. Ms. Cochran?

COUNCILMEMBER COCHRAN: So, thank you for being here today, and so this actually is to authorize a MOU for a CDC grant to MPD of \$7,500 to submit 45 records to DOH? Is that what I'm reading in all these agreements? And the reso and everything combined?

MS. PASCHOAL: The \$7,500 is a sub-grant. The CDC grant was issued to the Department of Health. They will be sub-granting the four police departments with an amount.

COUNCILMEMBER COCHRAN: The four police departments?

MS. PASCHOAL: Four police departments.

COUNCILMEMBER COCHRAN: Counties. Okay, and so...

MS. PASCHOAL: For the sharing of records, not just 45 but for the sharing of records.

COUNCILMEMBER COCHRAN: Okay, 'cause I'm reading State of Hawaii...okay. Yeah, I'm just reading the description of our agenda. Department of Health authorizing Department of Police to provide 45 suicide case reports.

MS. PASCHOAL: That's incorrect.

COUNCILMEMBER COCHRAN: To the DOH using funds granted which is the \$7,500.

MS. PASCHOAL: Right.

COUNCILMEMBER COCHRAN: So, that's kinda right in a nutshell what we're approving here today? That's the brunt, the basis of this MOU?

MS. PASCHOAL: Except for the number 45. It varies with every year. The number of deaths vary. It's not a, it's not just 45 records. Just perhaps the first question or the first request may have been 45, but we will respond to whatever record request that the Department of Health sends us.

COUNCILMEMBER COCHRAN: Okay, but I also agree with the points of Mr. Atay and Ms. King. I think without even having this information being transferred to whoever, wherever we already know in this County, Molokai has the highest for our teenage suicide rates. That statistic I believe is been said then I think with that alone prevention ought to be in place and being spearheaded forward somehow. And, I mean, one weekend one family lost three different children. Every Saturday there was a funeral in

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one month. That's extremely heartbreaking, and so I know Housing and Human Concerns I would feel and this Council to help appropriate further, you know, help mental illness, whatever the case may be to assist. So, there's, you know, as we sit here speaking, issues happening and that need to be addressed with or without all this. So, my thing is then when, is there a date when this all this reporting and, you know, information being extracted here and there, and the final result, this document report, something's gonna come out of it, and then is there a date? Like is this in the next month, six months, a year? They're gonna finally get everything together?

MS. PASCHOAL: Well, I don't have the information on the reporting schedule for the Department of Health, but I do know that the data that we share with them is uploaded directly to the CDC website. So, it becomes part of the data that can be reviewed immediately. So, there is feedback that can be immediate; however, as far as a written report on what they've gathered from the departments that I don't know the reporting schedule on that.

COUNCILMEMBER COCHRAN: Okay and then lastly, Chair, the other thing is with this each, I mean, 'cause there's drownings in here, so of course our lifeguards, right. Our first responders they have intimate knowledge, and causes, and reasons, and areas where all those occur. Suicides, you know, homicides all this, so this information can be utilized for those entities to better help us create policies, legislation, appropriate budgetary items to respective departments, social services, whatever the case may be. We need a lifeguard tower here. So, I'm hoping that not just, you know, the DOH but the respective people who are the responders to these different causes of death are also, you know, can use it to help us as decision makers to better do our jobs too. So, hopefully, I don't know there's some kind of connection and correlation to those entities and not just DOH-police.

MS. PASCHOAL: Well, it'll become a matter of awareness at some point because the program has been in place since 2002. The CDC's program, the National Violent Death Reporting System was established in 2002. So, it is a resource already there that we're only becoming aware of recently, and Hawaii jumping on board. I'm not sure whether we were the 40th or whether other states have come on after us, but right as of now there are 40 states that are participating, and we are one of them.

COUNCILMEMBER COCHRAN: Okay.

MS. PASCHOAL: But, only recently. So, yeah, it becomes a matter of awareness once that information is all gathered from as many states. Even if the other states aren't as relevant to Hawaii of course, once Hawaii's information is in there, awareness to the other agencies out there that deal with issues on this matter need to be made aware the information is there so they can use it. And that isn't something that would come out of MPD necessarily, but it is something that we can assist with. Absolutely.

COUNCILMEMBER COCHRAN: Yeah. I think visitors can have an impact --

MS. PASCHOAL: Yes.

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COUNCILMEMBER COCHRAN: --when it comes to our oceans and drownings. So, that's a --

MS. PASCHOAL: Right.

COUNCILMEMBER COCHRAN: --correlation. Okay. Thank you. No, I was totally in support of this, thank you very much.

CHAIR SUGIMURA: Thank you. I have a question for you. So, will there be any County, additional County funds needed for this to happen? Besides the possibility of the \$7,500 from DOH.

MS. PASCHOAL: Not at this time. It is our business of sharing information and I manage the records section at MPD and for UIPA, you know, for information sharing to regular citizens, and agencies, the law enforcement partners it's something we do. So, no. No additional funding would be necessary --

CHAIR SUGIMURA: Okay.

MS. PASCHOAL: --besides that.

CHAIR SUGIMURA: Thank you. Very good. Any other questions, Members? Seeing none, so at this time I'll entertain a motion to recommend passage of the revised proposed bill entitled A Bill for an Ordinance Authorizing the Mayor of the County of Maui Through the Chief of Police to Enter into an Intergovernmental Agreement with the State of Hawaii, Department of Health; and include any nonsubstantive revisions; and the filing of County Communication 18-112.

COUNCILMEMBER WHITE: So, moved.

CHAIR SUGIMURA: Thank you.

COUNCILMEMBER ATAY: Second.

COUNCILMEMBER KING: Second.

CHAIR SUGIMURA: Thank you. Motion by Member White, second by Member Atay to recommend passage on the revised proposed bill. Any discussion?

COUNCILMEMBER COCHRAN: Chair?

CHAIR SUGIMURA: Yes?

COUNCILMEMBER COCHRAN: Just the, for Corporation Counsel. Just any comments or questions on this at this time?

MR. KUSHI: No comment.

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COUNCILMEMBER COCHRAN: No? Okay. That's all.

CHAIR SUGIMURA: All in favor say "aye."

COUNCILMEMBERS: Aye.

CHAIR SUGIMURA: Opposed? None. So, we got five "ayes" and excused is Guzman, Hokama, Crivello, and Mr. Carroll, so motion passes.

VOTE: AYES: Chair Sugimura, and Councilmembers Atay, Cochran, King, and White.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Vice-Chair Crivello, and Councilmembers Carroll, Guzman, and Hokama.

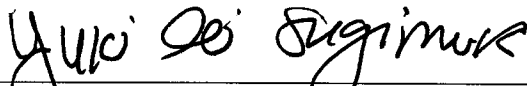
MOTION CARRIED.

ACTION: Recommending FIRST READING of revised proposed bill and FILING of communication.

CHAIR SUGIMURA: At this time, thank you, everyone, for being here. My meeting is now adjourned. . . .(gavel). . .

ADJOURN: 11:37 a.m.

APPROVED:



YUKI LEI K. SUGIMURA, Chair
Policy, Economic Development, and
Agriculture Committee

pea:min:180917:ja

Transcribed by: Jasmin Andrion

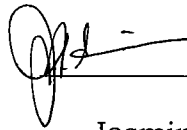
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CERTIFICATE

I, Jasmin Andrion, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 9th day of October, 2018, in Kahului, Hawaii



Jasmin Andrion