

HOUSING, HUMAN SERVICES, AND TRANSPORTATION COMMITTEE

Council of the County of Maui

MINUTES

November 19, 2018

Council Chamber, 8th Floor

CONVENE: 1:32 p.m.

PRESENT: VOTING MEMBERS:
Councilmember Stacy Crivello, Chair
Councilmember Robert Carroll, Vice-Chair
Councilmember Don S. Guzman
Councilmember Kelly T. King (in 1:38 p.m.; out 3:07 p.m.)
Councilmember Mike White

NON-VOTING MEMBERS:
Councilmember Yuki Lei K. Sugimura, Chair

EXCUSED: VOTING MEMBERS:
Councilmember Alika Atay
Councilmember Riki Hokama

STAFF: Saumalu Mataafa, 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)

Dawn Lono, Council Aide, Hana Council Office (via telephone conference bridge)

ADMIN.: Gary Y. Murai, Deputy Corporation Counsel, Department of the Corporation Counsel
Jeffrey T. Ueoka, Deputy Corporation Counsel, Department of the Corporation Counsel

William R. Spence, Director, Department of Housing and Human Concerns

Janice Y. Shishido, Deputy Director, Department of Housing and Human Concerns

John Buck, Deputy Director, Department of Transportation

Joseph W. Alueta, Deputy Director, Department of Planning

Rowena Dagdag-Andaya, Deputy Director, Department of Public Works

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Seated in the gallery:

Jerrie L. Sheppard, Deputy Corporation Counsel, Department
of the Corporation Counsel

David O. Nakama, Homeless Program Coordinator,
Department of Housing and Human Concerns

OTHERS: Mahina Poepoe (Molokai - via telephone conference bridge)
Mia Evans (Molokai - via telephone conference bridge)
Stephen Beidner
Sierra Knight
Diana Custer
Mark Wilson, Enforcement Director, Maui Humane Society
Jerleen Bryant, Chief Executive Officer, Maui Humane Society
Miyoko Kim, Director of Veterinary Services, Maui Humane Society
Peter Tierney, Board President, SPCA Maui and Society for
Prevention of Cruelty to Animals - Maui
Mary Overbay
Christy K. Gusman, Vice President, 4-H Livestock Association and
Maui Cattlemen's Association
Warren Watanabe, Executive Director, Maui County Farm Bureau
Brian Murphy
Dale Bonar
Mike Moran
Susan Vickery
Deborah Mader
Cecilia-Rose Reiley
(5) additional attendees

PRESS: *Akaku: Maui Community Television, Inc.*

CHAIR CRIVELLO: . . .(*gavel*). . . Aloha, everyone. Thank you for being here. The meeting of the Housing, Human Services, and Transportation Committee will now come to order. It is about 1:33 p.m. on Monday, November 19, 2018. Before we begin may I please request that we all turn off, or silence our cell phones, or other noisemaking devices. At this time, I'd like to introduce our Committee Members. I'm your Committee Chair, Stacey Crivello. And my Committee Vice-Chair is Robert Carroll.

VICE-CHAIR CARROLL: Good afternoon, Chair.

CHAIR CRIVELLO: Good afternoon, thank you for being here. Member Alika Atay is excused. Also with us is Member Don Guzman.

COUNCILMEMBER GUZMAN: Good afternoon, Chair. Thank you.

CHAIR CRIVELLO: Thank you. Thank you for being here. Member Riki Hokama is excused, and with us also is Council Chair, Member White, Mike White.

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COUNCILMEMBER WHITE: Aloha.

CHAIR CRIVELLO: Thank you. And, excused also is Member Kelly King at this time. And we also have non-voting member Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: Aloha, Chair.

CHAIR CRIVELLO: Thank you for being here. Corporation Counsel, I guess he'll be coming down if we need him. That's for HHT-2(3). Deputy Corporation Counsel, Jeffrey Ueoka. Also with us this afternoon is our Deputy Corp. Counsel, Mr. Gary Murai.

MR. MURAI: Good afternoon, Madam Chair.

CHAIR CRIVELLO: Thank you. And Deputy Counsel Jerrie Sheppard. Thank you. So, we have a diverse representation from Corporation Counsel, so thank you. And, our department representatives is Mr. Will Spence, Director of Housing and Human Concerns. Mr. John Buck, Deputy Director of Transportation. Not here yet, but will be joining us Director of Planning, Michele McLean, and the Deputy Director of Public Works Rowena Dagdag-Andaya. Also, I'd like to just introduce our resource personnel, or is actually Jerleen Bryant, CEO with Maui Humane Society. She's in the galleries and we'll call upon her as needed. Thank you for being here. And of course, our diligent Committee Staff Clarita Balala, Committee Secretary, and Saumalu Mataafa, Legislative Analyst. Also, with us is our Deputy of Housing and Human Concerns, Jan Shishido. Thank you, Jan.

. . .BEGIN PUBLIC TESTIMONY. . .

CHAIR CRIVELLO: Assisting us this afternoon from the Lanai...we'll get into public testimony, Members, and assisting us this afternoon from the Lanai District Office is Denise Fernandez.

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

CHAIR CRIVELLO: Thank you. And from the Hana District Office, Dawn Lono.

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

CHAIR CRIVELLO: Thank you, Dawn. And from the Molokai District Office is Ella Alcon.

MS. ALCON: Good afternoon, Chair. This is Ella Alcon on Molokai. I have two testifiers. The first testifier is Mahina Poepoe testifying on item number HHT-43.

CHAIR CRIVELLO: Thank you.

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MS. POEPOE: Hello. I just wanted to start by saying that approving this proposed bill is supporting animal cruelty and suffering. I ask that you do not pass it. The defining part is okay, but the exempting part is unacceptable. So, the bill defines animal husbandry and livestock and then asks to exempt those who participate in either both of these things from Chapter 6.04 and the requirement such as providing food, water, and shelter. But it's awful. It's atrocious, and honestly, it's embarrassing. Like what does that say about us as a society? Even if you were to amend the exemption to be cattle specific that wouldn't make a difference. For one, because heat stress in cattle is a real thing. If they're seeking out shade they're already likely overheating and need to be able to find shelter for that relief. It doesn't matter if it's a goldfish in a bowl on a kitchen counter or 500 cows in a field being raised to slaughter. It doesn't matter if the animals are private or commercial use. Owners and managers all have a moral responsibility, they have a legal responsibility to care for the welfare of the animals that they're responsible for. The basic needs of cattle are not different from the basic needs of other animals, including humans. Again, food, water, air, shelter. All of these things must be met for all animals no matter the use of the animal. They are alive and if you can't be responsible enough then you shouldn't be allowed to have them as pets or as inventory. You know, a question that I ask myself is what makes one life more deserving of basic welfare than another? A life is a life. These are conscious things that feel fear, they feel pain, joy, they're inquisitive and curious, they retain memories, they mourn losses. That consciousness and capacity for intelligence doesn't just disappear when we decide to repurpose them as a product. Cattle can succumb to heat, starvation, dehydration just as we would subjected to the same circumstances. You know, you try to go live in a field with no shelter and direct sunlight for ten hours a day, not sure if you'll ever get food or water, and then see how you feel about it then. I know that I would straight up die. The commercial meat industry, cattle ranchers, should not be exempted, and I really felt so compelled to have to come out here and say that today. All they're trying to do is cut costs, and liability, and improve their profit margins. You know, these cows are already born into an unfortunate state with a predetermined amount of time to live before they become hamburger. The least we can do as conscious compassionate human beings is try to ensure them a decent comfortable life before that happens. Or is that asking too much of humanity? Thank you.

CHAIR CRIVELLO: Thank you. Members, any questions or clarification for the testifier? If not, thank you for being here, Ms. Poepoe. Our next testifier, Ms. Alcon?

MS. ALCON: Our next testifier is Mia Evans also testifying on HHT-43.

CHAIR CRIVELLO: Thank you.

MS. EVANS: Thank you for listening. I am here in strong opposition to HHT-43 scheduled for today. Any attempt to repeal basic animal welfare laws for livestock and farm animals is appalling. Do not approve this dreadful bill. All animals deserve basic humane protections and Maui has had those protections in place since 1997. Do not cave into this special interest request by big business to remove shade laws for cattle. Cows have been protected by laws and cared for properly for decades on Maui. Any attempt to

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remove protections for cows and other farm animals is shameful and will result in cruelty to thousands of animals. Please do not support HHT-43. Thank you.

CHAIR CRIVELLO: Thank you. Excuse me, can you identify yourself again please?

MS. EVANS: Mia Evans.

CHAIR CRIVELLO: Any questions or clarifications for the testifier? If none, thank you. Any further testifiers on Molokai?

MS. ALCON: There's no other testifiers on Molokai.

CHAIR CRIVELLO: Thank you, and if any testifiers do show up to our District Offices please e-mail our Staff here. Thank you. Mr. Saumalu, who's our next testifier?

MR. MATAAFA: Chair, the next testifier is Stephen Beidner testifying on agenda item HHT-43, to be followed by Sierra Knight.

MR. BEIDNER: Good afternoon, Madam Chair and Councilmembers. My name is Stephen Beidner and I live in Kula. I'm here to speak against this amendment to County Code 6.04. As I understand it is being proposed that the requirement for basic shade for farmed animals be eliminated. I strongly disagree with this proposal. Mahatma Gandhi told us the greatness of a nation and its moral progress can be judged by the way its animals are treated. I agree. Do we want to create a society here on Maui that does not even provide for the basic humane treatment of animals that provide many people with food? At this particular time in history, compassion and concern for animals is becoming widespread. People do care about animals. Here are just a few examples. Animal protection legislation is being passed around the U.S. by legislative bodies as well as by citizen initiatives. Two, people are shunning consuming animal products or decreasing the amount of animal products they consume at record numbers. A great amount of this is because of ethical reasons. Three, only a few years ago there were just a few law schools with animal rights law classes. Today there are over 100 law schools with these classes, including those at some of the most prestigious universities like Harvard, Stanford, Georgetown, UC Berkeley, as well as at the William S. Richardson School of Law at the University of Hawaii. Number four, the U.S. House of Representatives now has 165 members in its bipartisans animal rights caucus. And five, forward-thinking entrepreneurs are now leading animal agriculture in a totally new direction. The future for those who continue to eat animal products is in so called clean meat or also called lab-grown meat or cultured meat. With large populations globally the demand for meat, dairy, eggs, and leather is there, but the current system is extremely inefficient and has enormous amount of environmental and health concerns. Lab-grown meat is not science fiction. Companies around the U.S. and abroad at this moment are producing in various stages animal flesh indoors in hygienic conditions from a single cell with none of the animal cruelty and environmental problems. These products will become commercially available in restaurants and stores in the next few years. This is where animal agriculture is being headed. So with this and the future, with this, you know, looking to the future as well as people caring for animals, why

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would Maui want to look backward and increase animal cruelty? The bottom line is as the English philosopher Jeremy Bentham once said a long time ago, the question is not can they reason, nor can they talk, but can they suffer? These farmed animals can feel pain and distress just like humans and just like our dogs and cats that we love. Let's strengthen and expand animal protection laws, not weaken them. I urge you to vote against this proposal. Thank you very much.

CHAIR CRIVELLO: Thank you. Any clarification for the testifier? Questions or comments? Being none, thank you for being here. Next testifier?

MR. MATAAFA: Chair, the next testifier is Sierra Knight testifying on Agenda item HHT-43, to be followed by Diana Custer.

MS. KNIGHT: Good afternoon, aloha. My name is Sierra Knight, and I live in Kula, and I have two words. Plant trees. Because this amendment, this trying to exempt the cows from being shaded really is something more about providing habitat for them to be able to get shade. And one of the concerns that many community members have had since this land has been up for grabs, basically, after the sugar cane closed, there have been many proposals of how to take this land and do good use for it, best practices. And unfortunately, a lot of those proposals have been ignored. And in fact there was even an idea that if we could have a tax incentive program for people like A&B to be given incentive to plant trees. In terms of in the world, agro-forestry which includes livestock and includes reforestation without livestock has been a very successful model, a best-practice model for how to take livestock and put them onto land. So, I really want to just say what we need to have done we should be doing now. There should not be any exemptions for a basic right, animal welfare right. So my point today is not exempting. I'm against any exemptions for this. I would also like to not see this deferred. This needs to be completely ended in terms of an issue and we need to redirect this issue into what I'm saying as far as reforestation and looking at the land in a bigger piece. So, what I'm asking is that the County Communication 18-251 is filed. Thank you.

CHAIR CRIVELLO: Thank you. Any questions or clarification for the testifier? There being none, thank you for being here.

MR. MATAAFA: Chair, the next testifier is Diana Custer to be followed by Mark Wilson.

MS. CUSTER: Greetings, Council and Council Chair. First off, I would like to thank you all for your service. As I look across I see four people that will not be here in January. It makes me sad. Councilman Carroll, thank you for your service. Councilman White, thank you for your service. Councilman Guzman, thank you for your service. Councilwoman Crivello, thank you for your service. I just want to get that out of the way.

CHAIR CRIVELLO: Thank you.

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MS. CUSTER: Because I've really appreciated working with you all over the years and you will be sorely missed. I hope you use your talents for our community going forward. That said, I'm here speaking in regards to item HHT-43. Please file County Communication 18-251. As a person who keeps livestock I am in strong opposition to HHT-43. Any attempt to repeal our longstanding basic animal welfare laws for livestock and farm animals is appalling. Do not approve this dreadful bill. All animals deserve basic humane protections and Maui has had these protections in place since 1997. Full protections for all animals on Maui was put into law by the following Councilmembers, Pat Kawano, Kimo Apana, Alan Arakawa, Sol Kahoohalahala, Alice Lee, Dennis Nakamura, and Charmaine Tavares. Kalani English and Wayne Nishiki were excused the day of the vote. There were no no votes. The bill was signed into law by Linda Lingle on July 23, 1997. There were no problems with this law for our cattlemen for decades until A&B decided to put cows in their ex-cane fields a few years ago and did not want to be burdened with providing shade to the cows. The A&B has been working on getting rid of the shade law for three years now. They attempted to get Councilman Guzman to remove protections for cows, but Don said no. Thank you, Councilman Guzman, for having the integrity to support animal welfare and our traditions of humane ranching which date back over 100 years. A&B moved on to Councilwoman Sugimura and she has done their bidding to remove protective laws for animals by submitting this bill. And now here we are facing the removal of longstanding, well written, protective laws for farm animals on Maui. As a biologist and a person who cares about animals this is a very dark day. To Hawaiians it must be incomprehensible to consider such disrespect to animals that are integral to Hawaiian culture. I am friends and neighbors of many of our long-term respected cattlemen and I can tell you they take excellent care of their cows. I was informed this weekend about this terrible bill. Their frustration was palpable and I learned of concerns that good names could be harmed by any suggestion they support this proposal. They do not. Our cattlemen shade their cows, care deeply about their cows, and are tired of seeing A&B's cows above Hookipa without enough shade. Time for A&B to comply with the law and to stop...am I done?

CHAIR CRIVELLO: Thank you. Just wrap it up.

MS. CUSTER: Time for A&B to comply with the law and stop all efforts to weaken the law protecting animals on Maui. A&B needs to provide enough shade for all cows currently in their fields and plan ahead to shade all cows on their lands going forward. The Council needs to ensure our laws demand that of A&B. I urge you all to vote no on this terrible bill and please file County Communication 18-251. I guess I spent too much time thanking 'cause it met --

CHAIR CRIVELLO: Thank you.

MS. CUSTER: --the time when I was at home.

CHAIR CRIVELLO: Thank you. Members, any questions or clarification for the testifier? Thank you for being here, Ms. Custer. Good to see you.

MS. CUSTER: Thank you so much. I will miss you.

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CHAIR CRIVELLO: Thank you.

MR. MATAAFA: Chair, the next testifier is Mark Wilson testifying on agenda item HHT-43, to be followed by Jerleen Bryant.

MR. WILSON: Good afternoon, Committee Chair Crivello, Committee Members, my name is Mark Wilson. I am the Enforcement Director for Maui Humane Society. I'm here to oppose the changes proposed in bill HHT-43 to amend Title 6, Chapter 6.04 of the County of Maui's Code of ordinances. With the passage of this bill livestock would lose the protection of Maui County's neglect laws. Persons engaged in the industry would no longer be required to the following thus making it impossible to require compliance or prosecute those who neglect or abuse livestock. The following would be exempt under this bill. Food of good quality, quantity, and/or enough to maintain a healthy body weight. They could basically feed a poor quality of food, not starve their animal, but just continue to make their animals skinny and hungry. There's no provision for water, no provision for shelter, or protecting them from the wind, rain, or sun. There will be no provision for bedding to protect the animals from wet or dampness. Veterinary care will, when needed will not be required and I will have no way to enforce that. Animals that go down in someone's pasture that's obviously in distress, the officer will have no recourse to help this animal. Adequate space for exercise or a dry place to rest effectively force the animals to stand in one place or to rest in one place without the ability to move around. Animals will be allowed to live in their feces, urine, and other contaminates, and I won't be able to do anything about that. They will be allowed to abandon their livestock, and just walk away, and leave them where they stand. The livestock owners will now be able to interfere with officers trying to do their duty. This will eliminate the 14-day hold. The shelter will have to hold livestock indefinitely. No longer will you be able to require euthanization of livestock that are suffering in the field. Owners of livestock would be able to reclaim livestock any time from Maui Humane Society without paying any fees to the County. In review, this bill would do nothing to improve, and in fact would hurt the lives of livestock on Maui. If this bill passes as written, Maui County will have stripped all livestock from the protection of neglect and/or abuse. Thank you for your time.

CHAIR CRIVELLO: Thank you. Any questions, clarification? Mr. White?

COUNCILMEMBER WHITE: You make it sound pretty dire out there. How many cattle have been impounded by the Humane Society?

MR. WILSON: Since I've been with them four years we have not impounded any cattle. Prior to me there was a huge cattle disaster, I think it was ten years ago.

COUNCILMEMBER WHITE: I think it was longer than that I think.

MR. WILSON: Where they were...yeah, I've only heard about it. I don't have any knowledge. We've been actually pretty good about making sure the cattle are staying healthy. We've had issues with non-cattle like pigs and goats being to a point where we had to impound

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them in place because we have no place to take them if we do impound them. But, cattle itself, no, but this is...actually refers to when they were talking about livestock is all animals, not just cows.

COUNCILMEMBER WHITE: And does the Humane Society have shaded shelter and bedding for cattle if they were to impound them?

MR. WILSON: We don't have any resources to impound livestock at all unless it's really tiny then we have dog kennels to put them in.

COUNCILMEMBER WHITE: Yeah, yeah. Okay, thank you. Thank you, Chair.

CHAIR CRIVELLO: Thank you. Any further questions or clarification? There being none, thank you. Our next testifier?

MR. MATAAFA: Chair, the next testifier is Jerleen Bryant testifying on HHT-43, to be followed by Miyo Kim.

MS. BRYANT: Good afternoon, Committee Chair Crivello and Committee Members. My name is Jerleen Bryant, I'm the CEO at the Maui Humane Society. I'm here today on behalf of the Maui Humane Society and our Humane Enforcement Animal Control Department that oversees animal protection for the Maui County. I am here to vehemently oppose the proposed bill HHT-43. To say that I was shocked and disappointed last Tuesday when I received an e-mail notifying me of this proposed bill, the meeting today, would be an understatement. Four-and-a-half years ago I took over as CEO. My policy has been communicated very clearly. My door is open to anyone in our community who has questions, concerns, ideas, needs clarification, anything that involves animal welfare in our community. Last year in May the Cattlemen's Association requested a meeting that happened in May of 2017. I was happy to hear their concerns, maybe not happy, but I was more than willing to hear their concerns. I added clarification for our animal laws and how we interpret and enforce them. Since that meeting I have heard no more on this subject until last Tuesday, unfortunately. I guess, you know, coming together in a respectful way to discuss appropriate pathways when someone wants change, that's how we should be doing it. Not what we're experiencing here today. Weakening our protection for animals would be an embarrassment for Maui and I know nobody wants that, so I think that there is a better way to probably have resolution for this than what we're seeing here today. I would also like to add on to, I guess add to the question, Councilmember White, that you asked of Mark Wilson. We don't have appropriate facility and space to house livestock, but what we do is we board them. We put them in a safe place in our community, so if they cannot stay where they are, if we cannot impound them in place, then we do find a safe place for them to go. Thank you.

CHAIR CRIVELLO: Thank you. Any further discussion? Councilmember King?

COUNCILMEMBER KING: Thank you. Thanks for being here, Jerleen. I would have expected nothing less. I'm sorry for the reason you have to be here. So, I just wanted to kind of follow up, you had a meeting last year with...

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MS. BRYANT: In May.

COUNCILMEMBER KING: Oh, last year in May with the cattle industry and just decided to table all this proposed...

MS. BRYANT: Well, it, you know, that meeting was about to hear their concerns, and also for us to be able to clarify our animal laws, and what...and how we interpret them, and how we enforce them. We left that meeting...I will say that it was asked if we, at the Maui Humane Society, could propose different wording for specifically sheltering for cattle, but that's not, this bill is broader than that. I declined. The Maui Humane Society cannot be in a position to weaken animal laws in our community. What I offered was that if they wanted to bring something to us, we would be happy to review it, and be able to give our input, our professional input, and I didn't hear anything else after that meeting.

COUNCILMEMBER KING: Okay, so this is out of the blue for you?

MS. BRYANT: Very much so.

COUNCILMEMBER KING: As the rest of us.

MS. BRYANT: Yes.

COUNCILMEMBER KING: Thank you.

CHAIR CRIVELLO: Thank you. Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you. Thank you, Jerleen, for your efforts.

MS. BRYANT: Yes.

COUNCILMEMBER GUZMAN: I know that when I was chair for agriculture we'd had several meetings --

MS. BRYANT: We did.

COUNCILMEMBER GUZMAN: --and in cooperation with the Cattlemen's Association, so from that point on I believed there was some understanding between the two parties, and we did work on some language to clarify shelter. Like for instance, the bill, the original bill indicates it's almost implied where it leaves open in general terms shelter, and does that mean a structure because it...

MS. BRYANT: It just says suitable.

COUNCILMEMBER GUZMAN: Yeah, suitable.

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MS. BRYANT: Suitable shelter.

COUNCILMEMBER GUZMAN: Right, right and then it goes into barn...

MS. BRYANT: That's the interpretation part.

COUNCILMEMBER GUZMAN: Right, right. And after there was clarification between the two parties, there was an understanding of how you guys, how you folks were going to enforce. I did work on some language --

MS. BRYANT: Yes.

COUNCILMEMBER GUZMAN: --beforehand, still have that in the files, but I thought everything was taken care of, but...

MS BRYANT: Me, too.

COUNCILMEMBER GUZMAN: Yeah. It, fortunately, you know, unfortunately, I didn't communicate that on to Chair Sugimura and she probably didn't know that I had worked on it prior to, but I do have a nice file to give to her --

MS. BRYANT: Right.

COUNCILMEMBER GUZMAN: --to allow her to move forward. But I apologize for not connecting up with Chair Sugimura. Thank you.

MS. BRYANT: Thank you.

CHAIR CRIVELLO: Thank you. Ms. Sugimura? Oh, Mr. White?

COUNCILMEMBER WHITE: Are you aware of how other communities around the country deal with this issue? 'Cause I'm not aware of any other county or state that has a, that doesn't make a distinction between cattle and other types of livestock.

MS. BRYANT: Not specifically. My focus is on Maui County and the laws that we currently have in place.

COUNCILMEMBER WHITE: Okay, so since the law was passed in 1997 is it safe to assume that you feel that the ranchers on Maui are taking appropriate care of their animals?

MS. BRYANT: I can't answer that because I can't, I don't know every rancher specifically and personally. I can't answer that. I know that we, what I can say is that we do have people who have cattle and livestock who are not compliant. I wish they were because it would free up my officers' time for many other things. So, I can tell you that there are many non-compliant ranchers out there, and I guess rancher, would we say ranchers are anyone with cattle or livestock. But, at the same time I'm sure that there are many that are compliant.

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COUNCILMEMBER WHITE: But, your, the officer just testified that there have been no...

MS. BRYANT: No, that's impounding. It doesn't mean, it, just because somebody is not compliant doesn't mean that we're going to impound the animal. We're gonna cite them and we're gonna have, we're gonna give them instructions for what they need to do, and then the officer will go out repeatedly and do rechecks until they are compliant.

COUNCILMEMBER WHITE: Okay, but it sounded like he was not taking any action.

MS. BRYANT: Oh no, there's lots of action.

COUNCILMEMBER WHITE: Thank you. Thank you, Chair.

CHAIR CRIVELLO: Thank you.

COUNCILMEMBER GUZMAN: Chair?

CHAIR CRIVELLO: Mr. Guzman?

COUNCILMEMBER GUZMAN: Yeah, just to give a little bit of background. I know that this whole issue was brought up particularly because of one incident that had occurred about three-and-a-half years ago.

MS. BRYANT: Yeah.

COUNCILMEMBER GUZMAN: And by bringing the parties together and having that understanding of how the language is to be enforced I believed was a good starting point in moving forward. I believe that that one incident caused a raffle [sic] effect within the County...within the Cattlemen's Association, but that one incident has not occurred subsequent. I mean, it hasn't proliferated after that one incident, so I think everybody's on the same page, and I...the wording can be consulted or at least some point clarified as to the word "shelter," you know, whether or not trees are providing shelter or a structure. So, but that, the communication between the parties, yeah, the, it's my understanding that enforcement now recognizes trees as a shelter. So...or some form of shelter.

MS. BRYANT: There's, yeah, that is true, there's interpretation there. Yes, trees do provide shade. Absolutely.

COUNCILMEMBER GUZMAN: Yeah.

MS. BRYANT: And if these animals are in an area of the island that is not being pounded with rain, then the elements that we want to protect them from primarily is the sun, and trees, if there is adequate trees for the number of animals that would be seeking that shelter, then we would consider that adequate.

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COUNCILMEMBER GUZMAN: Right.

MS. BRYANT: And the officer would consider that adequate.

COUNCILMEMBER GUZMAN: Yeah.

MS. BRYANT: Absolutely.

COUNCILMEMBER GUZMAN: Yeah, so just to follow up with that there was this fear of having to build big structures --

CHAIR CRIVELLO: Right.

COUNCILMEMBER GUZMAN: --to cover the cattle. But subsequent to that one incident, Chair, there hasn't been, and there's been a clear understanding. So, I thank the parties for moving forward. Thanks.

CHAIR CRIVELLO: Any further questions? Ms. Sugimura?

COUNCILMEMBER SUGIMURA: So, thank you for being here, Jerleen, and I'm sorry for the surprise attack. I will tell you that my Facebook was under surprise attack this whole weekend, and I, so you're saying this is not for pets right? This whole thing is for...

MS. BRYANT: This is not for pets.

COUNCILMEMBER SUGIMURA: Right.

MS. BRYANT: This is for livestock with the exemption is pets and horses.

COUNCILMEMBER SUGIMURA: Okay, that's good because on Facebook it sounds like people think that you are enforcing pets also.

MS. BRYANT: No, no, no, we do enforce. We enforce...

COUNCILMEMBER SUGIMURA: Everything.

MS. BRYANT: Yes. All animals with the exception of wildlife, but this proposed bill would include livestock with the exemption of pets and horses.

COUNCILMEMBER SUGIMURA: Okay. Thank you. We have testimony, written testimony, from Maui Cattlemen's Association who cites, I think, what Mr. Guzman is saying that happened October 24, 2014, Title 6, the violation of which they were cited for, for humane, on a humane matter right of that section. And access to a barn, doghouse, or other suitable shelter sufficient to protect the animal from wind, rain, and sun, said shelter shall ensure the animal health and wellbeing. Number four, that shelter shall contain adequate bedding, and in there though interesting it says that notice of non-compliance letter, was a statement at the bottom of the first page that says neither

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shade nor suitable shelter under this Code shall comply. So, I think that's what's maybe causing --

CHAIR CRIVELLO: Excuse me.

COUNCILMEMBER SUGIMURA: --causing the discrepancy.

CHAIR CRIVELLO: We've asked Ms. Bryant to remain with us to be our resource person, so.

COUNCILMEMBER SUGIMURA: Okay, so you'll be here.

CHAIR CRIVELLO: Yeah. If we can expand on it later and have further discussion.

MS. BRYANT: I'm happy to answer that later when it's appropriate.

CHAIR CRIVELLO: Yeah.

MS. BRYANT: Yeah.

CHAIR CRIVELLO: Thank you.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR CRIVELLO: Mr. White? Thank you.

MS. BRYANT: Thank you.

MR. MATAAFA: Chair, the next testifier is Dr. Miyo Kim, followed by Peter Tierney.

MS. KIM: Good afternoon, Committee Chair Crivello and Committee Members. Thanks for letting me testify today. My name is Dr. Miyo Kim and I'm the Director of Veterinary Services at the Maui Humane Society. I've been a practicing veterinarian for 39 years and the last 22 years I've been at the Maui Humane Society as their shelter veterinarian. I oppose this bill, HHT-43, as it would exempt the owners of livestock from the protections provided by Title 6, Chapter 4 which says, an owner of an animal shall treat the animal in a humane manner. In exchange for using livestock for food production, we owe them a humane life from birth to death to the best of our ability. It is our ethical and moral obligation to provide for their welfare. This bill would be a major step backward for animal welfare in Maui County and it's not the Maui no ka oi that I'm proud to be part of. Thank you for your time.

CHAIR CRIVELLO: Thank you. Members, any questions or clarification? If not, thank you for being here. Oh, just a moment. Ms. King?

COUNCILMEMBER KING: Thank you for being here, Dr. Miyo. So, I just wanted to clarify that the humane treatment, it, we're not just talking about shade and shelter are we? We're talking about food and water...

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MS. KIM: Food and water, veterinary care.

COUNCILMEMBER KING: Right. Okay, thank you.

CHAIR CRIVELLO: Thank you.

MS. KIM: Thank you.

CHAIR CRIVELLO: Next testifier?

MR. MATAAFA: Chair, the next testifier is Peter Tierney testifying on HHT-43, to be followed by Mary Overbay.

MR. TIERNEY: Good afternoon, Council Chair, Committee Chair, and Councilmembers. Wow, it's good to be back. It's been a while, and you know what's really good it's to be back and all of us in the animal welfare community are on the same side. Thank you, Jerleen, Dr. Kim, I see Amy is there, we're all out because nobody in our animal-loving community supports this change. I'm not an expert. I just represent about five, six, seven hundred people who love cats, dogs, and animals. And we all are here, they...I'm here speaking for them from the Society for the Prevention of Cruelty to Animals to ask that this bill be filed. If we do need to make changes that can make our community better for our cattlemen, our cattle, and our people, then let's sit down together and talk about it and figure out a way that we can make these happen in a very public and open manner. Yuki Lei said her Facebook was blowing up this weekend and it was and I honestly said, I mean, Yuki said, it's a mistake I think, that we didn't intend to incorporate all these livestock, it was cattle. It doesn't matter. Cattle need shade too. But I do appreciate, and I take for the fact that Yuki said it was a mistake. Let's file this bill and move along. Aloha, and thank you. Good luck next year.

CHAIR CRIVELLO: Thank you. Any questions or clarification for the testifier? There being none, thank you.

MR. TIERNEY: Thank you.

MR. MATAAFA: Chair, the next testifier is Mary Overbay testifying on HHT-43 and HHT-2(3), to be followed by Christy Gusman.

CHAIR CRIVELLO: Thank you.

MS. OVERBAY: Aloha. I'm Mary Overbay. I heard about this Council meeting on social media where many of my friends were asking me to testify against the proposed bill to amend the Maui County Code to exempt livestock from Maui County Code relating to animal control. I began looking for details about the pros and cons of the bill. I downloaded the proposed bill which indeed added an exemption for livestock, but gave no reasons to support this proposed change. The laws for humane treatment of animals would just be completely disregarded. I searched the Maui County website and Councilmember

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Sugimura's website to discover what instigated the proposal which seemed to allow cruel treatment to livestock without any repercussions. I asked Yuki Lei on Facebook what the advantages of this bill were, but she replied that it was not intended for all livestock, but only cattle, but still gave no reason to justify the proposed exemption. The post later requested, stated a request from the Maui Cattlemen's Association instigated her to write the bill, but did not indicate why they wanted the exemption. I wonder what advantage this bill has? I support the humane treatment of all animals according to the Maui Code, therefore I strongly oppose HHT-43. Mahalo.

CHAIR CRIVELLO: Thank you. Any questions for the testifier? If not, thank you for being here.

MR. MATAAFA: Chair, the next testifier is Christy Gusman testifying on HHT-43, to be followed by Warren Watanabe.

MS. GUSMAN: Sorry, short people. I have, before I start, Chair, good morn...good afternoon. I have a question. I'm here on behalf of several agencies number one, being the Maui Cattlemen's Association. So, I know you folks all have received written testimony and it sounds like you've all read it very well. I'm just gonna touch on that and then I'm gonna go into the other organizations that I represent here today. So, on behalf of the Maui Cattlemen's Association, thank you very much, Chair and Council, and from our President Willy Jacintho I have his testimony. Like I said, you've all gone over it. Mr. Guzman and Yuki Lei have cited areas of it. The incident that took place in October of 2014 I have a copy of that citation letter from the Humane Society and it clearly states on the bottom, natural shade is not a suitable shelter under this Code. So, that is I believe what the root of all of this is. So, in represent...today I come here before you wearing several hats. First, as a rancher. I own and operate Circle L Ranch here in Maui, Hawaii. I am a board member for the Hawaii Hunting, Fishing, and Farming Association. I'm the 2017-'18 Vice President for the Maui County 4-H Livestock Association. I'm also a Maui County Farm Bureau Member and a member of the Cattlemen's Association. I am also the president of the Hawaii, newly formed Hawaii Youth Livestock Association. First off, I want to congratulate Mr. Carroll. Your daughter Kamalu has been successful in reviving the Hana 4-H Youth Livestock Club, and we are happy to have them on board and look forward to working with them in 2019. In May of this year we came before you with a group of students who were celebrating the 100 years of 4-H in Maui County. These programs have been made possible for our students through the University of Hawaii CTAHR and the USDA. These programs teach kids valuable life skills that they carry with them throughout their adult lives. Responsible feeding, exercising, grooming, ethical showmanship are all important aspects to these 4-H'ers and to our students. They learn how to keep records, make decisions, manage, budget, funds, time, and take responsibility and care for other living things. In order to purchase their animals many students rely on help from the USDA. These students and parents as well as the farms and ranchers who sponsor them undergo quality assurance and animal humane...animal assurance trainings and the students must pass quality assurance testing. It is our recommendation that this bill be deferred to help the parties get together...the parties involved, get together to be able to...if the Humane Society says, you know, should that the trees are acceptable to be able to

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exempt that part or not exempt, but get that part of the bill squared away and get the language correct. Our students have also worked very hard to reforest areas with Native Hawaiian plants such as ulu, milo, koa, and kukui. So, we are trying to as best as we can be in compliance. We do not agree with the way the bill is currently written, but we hope that we can work together to find something more suitable.

CHAIR CRIVELLO: Thank you, Ms. Gusman.

MS. GUSMAN: Thank you.

CHAIR CRIVELLO: If...do you have any questions or clarification for the testifier? If not, Ms. Gusman, would you be able to remain as a --

MS. GUSMAN: Yeah.

CHAIR CRIVELLO: --resource person?

MS. GUSMAN: Thank you.

CHAIR CRIVELLO: If there are no objections, Members? Thank you.

MR. MATAAFA: Chair, the next testifier is Warren Watanabe testifying on HHT-43, to be followed by Brian Murphy.

MR. WATANABE: Good afternoon, Chair Crivello, Members of the Committee. I'm Warren Watanabe, Executive Director of the Maui County Farm Bureau. Representing commercial farming, ranch families, and operations on Maui. The Maui County Farm Bureau supports the intent of this measure clarifying the needs of our commercial livestock operators. As this is a commodity-specific issue, we support the position of the Maui Cattlemen's Association. Recognition of animal welfare is part of Farm Bureau policy as efficient and profitable production of food and fiber depends on the proper care of livestock. Animal welfare is the cornerstone of good livestock stewardship, a responsibility and core ethic of our commercial operators. We see it beginning when 4-H children begin by taking the responsibility of animals knowing that they must part with the animal at the end of the project. Head, heart, hands, and health. The values at the core of 4-H are reflected in the core ethics of our commercial ranchers. Most, if not all of our ranchers had their start in 4-H. There are widely recognized management practices in the industry that incorporate animal welfare. It is our belief that the intent of the existing Code is to address pets where a similar commitment of care for animal welfare may not be present. There needs to be recognition that pets and commercial livestock standards are different. Farm Bureau policy and ranchers do not condone animal cruelty. The Maui Cattlemen's Association leads the efforts in this area for the County of Maui. Farm Bureau, therefore, respectfully requests your support of their position. Thank you.

CHAIR CRIVELLO: Thank you, Mr. Watanabe. Any clarifications or questions for the testifier? If not --

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MR. WATANABE: Okay.

CHAIR CRIVELLO: --thank you for being here.

MR. MATAAFA: Chair, the next testifier is Brian Murphy testifying on HHT-43 and HHT-2(3), followed by Dale Bonar.

MR. MURPHY: Aloha. I strongly oppose this bill. It makes me sad I have to really come here to help defend animals. This is really ridiculous and it seems to me there is two types of conversations going on here. We have people who are looking to put the cattle in the sugarcane land, I think is where the big shade thing actually comes into play, and when I called the Cattlemen's Association I couldn't get any information on this topic of what was really going on in any shape or form. And I think it's a really sad day when we have to come in here and defend treating our cows cruelly or not. Anyway, I totally oppose this bill.

CHAIR CRIVELLO: Thank you. Any questions or clarification for the testifier? If not, thank you for being here, sir.

MR. MATAAFA: Chair, the next testifier is Dale Bonar testifying on HHT-43, to be followed by Mike Moran.

MR. BONAR: Aloha, Chair --

CHAIR CRIVELLO: Aloha.

MR. BONAR: --Members of the Council here. I'm testifying HHT-43 [sic] specifically about this proposed exemptions that have been in there, and I agree with most of the things that have been said in here. By background, while I was back in the mainland, I lived in the East Coast in Maryland, we had a farm, that's the only thing that kept me sane back there. We raised cattle for about 10-12 years. Those cattle had, we fortunately had good forested areas. We also had a couple of shelters that they could get under when the weather was bad. As undoubtedly most of you know with the extremes in temperatures that we're seeing there are major losses to some of the cattle-producing areas. Oklahoma has seen some major hits from this. Now, we all know climate change, well most all of us know, climate change is coming. The report that the Water Department and NOAA put together two to three years ago to talk about what we're facing by the end of the century. We're gonna be facing much longer periods of dry, much more intensive periods of rain, you know, in between these long, long dry areas. We've already seen the temperatures continue to increase. This year's temperatures were really uncomfortable here. This will be a continuing thing most likely. Those will be effects that these animals will be exposed to. I strongly encourage you to table this or to file it, go back to the drawing board, and figure out where you find that right balance in there. Thank you.

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CHAIR CRIVELLO: Thank you. Members, any questions or clarification? If not, thank you very much.

MR. MATAAFA: Chair, the next testifier is Mike Moran testifying on agenda item HHT-43, to be followed by Susan Vickery.

MR. MORAN: Aloha, Chair Crivello and Committee Members. Mike Moran as a resident today, a individual concerned with our County creatures with no voice and no vote. And mahalo for your long-term service, Chair. I know we heard these words earlier, but sometimes it's good to repeat the words of very knowledgeable people. The greatness of a nation and its moral progress can be judged by the way that its animals are treated, Mahatma Gandhi. As we look at what is proposed today, it smacks of moral regression. I vehemently oppose HHT-43 and frankly I'm disgusted that attempting to repeal basic animal welfare rights for livestock and common farm animals is even being considered by playing word games with animal husbandry versus livestock. Somehow the unsheltered creature overheating in the noonday Maui sun with no available shade or shelter does not interpret that difference. These are sentient mammals, not agricultural machinery. What in the world is the motivation for this? Chair, during your first term, and maybe it was your first year, you very helpfully held a hearing under the guidance of then Chair Baisa to change our animal control laws for the better. Please do not allow this proposal from non-voting Member Sugimura to undo that good work years later. It is simply inhumane to deny living, feeling creatures that even if they will eventually be slaughtered for food product, they deserve basic care of water, food, and shelter while they live out their lives. This is a disgraceful proposal. I ask you and all the voting Members to please vote no. Mahalo.

CHAIR CRIVELLO: Thank you. Any questions or clarifications for the testifier? If not, thank you for being here, Mr. Moran.

MR. MORAN: Thank you.

MR. MATAAFA: Chair, the next testifier is Susan Vickery testifying on HHT-43, to be followed by Deborah Mader.

MS. VICKERY: Aloha, Chair Crivello and Councilmembers. Thank you for allowing us to testify today. I'm just astounded as Brian Murphy was that we're even here discussing this. It's just inhumane to even consider taking away shelter or shade for any living being. So, I oppose HHT-43. Also, maybe more, I would consider more shelter, shade, better facilities for the livestock than is today. On the dry lands of dead cane that's poisoned with pesticides from hundred years of process, I mean the whole plantation era, it's all aole. So, thank you. I hope you reconsider your thoughts on this and leave it as it was or make it stronger. More shade. Plant trees.

CHAIR CRIVELLO: Thank you.

MS. VICKERY: Thank you.

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CHAIR CRIVELLO: Any further clarification or questions for the testifier? If not, thank you for being here.

MS. VICKERY: Thank you.

MR. MATAAFA: Chair, the next testifier is Deborah Mader testifying on HHT-43, to be followed by C. Rose Riley.

MS. MADER: Aloha, thank you all for your service to Maui County. I didn't even plan to come here today. I was on my way home from the dentist and then the voice said, you know, the animals can't speak for themselves. So, even though we're going to eat them or whatnot, I believe very strongly in animal welfare as does most likely my daughter Milani. What do you think? Think so? So, we come before you today speaking in opposition of HHT-43. There's been discussion about cows and cattle being increased in the central valley and during that conversation there's always been talk of shade. Access to shade or, and/or shelter for the animals whether you call them livestock, or dinner, or beautiful creatures, that's up to you. Anyway, so, the conversation has been going on for a long time. The consensus from the people that I talked to seems to be that, yes, this is something that should not be changed. We should keep this law intact to protect the animals. In doing some research I found some studies from Australia where they tested, they were looking at cows that were being raised for meat. Some with access to shade and some without access to shade, and the ones that had access to shade consumed less water, were healthier, so they required less intervention and less expense for the rancher, and they were heavier, so they sold meat...they made more money for the rancher. So, if you're coming from an economic perspective you would think that having a bit of shade would be beneficial to the ranchers. And I don't think it's too late to plant trees or institute some of these things. The last point I'll address since a lot of people respond to economic issues here, is tourism. Ecotourism is on the move and booming in Maui nui, and so are farm tours, and people wanting to be involved to see where their food comes from, and do farm apprenticeship programs. So, we're getting new people coming here that supports our economy. What's gonna happen if we're known as this place that's cruel to animals? That doesn't give animals access to their basic rights just to have a decent life. And if you look at places like Whole Foods the consumers are more interested in how their food gets to them. They wanna know the practices of the ranchers and the farmers. They wanna know how the animals are being treated. There's a whole section of that within that market. So I think it would behoove the ranchers to look at it from an economic perspective as well. Mila, do you have anything to add, babe? Shade for cows? Okay, thank you for your time.

CHAIR CRIVELLO: Thank you. Any clarifications, questions for the testifier? If not, mahalo for being here.

MS. MADER: Mahalo.

MR. MATAAFA: Chair, the last testifier signed up today is C. Rose Reiley testifying on HHT-43.

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MS. REILEY: Aloha, good afternoon. My name is Cecilia-Rose Reiley. I live next to one of the places where the cows come. I am trying to plant food there and if I don't water for two days things are half dead. Like, certain things are, you know, burned just from being moved in a little shaded area to the sunny area. In one day they're like burned to death. If I'm standing in the direct sun at certain times, within 30 seconds my skin begins to sizzle, so hot. Like, the way that it feels sometimes when it's sunny outside and there's a breeze then it's comfortable. But if it's super sunny and there's no breeze, which happens quite often, it is just scorching, baking, cruel hot. And so I am appalled that this is coming up as if it's a horribly expensive thing to get shade for these animals, and I really appreciate Deb Mader's research into the difference between shaded animals and non-shaded animals. Besides that we're all existing in the same energy and anything that's gonna be under stress is bringing stress to our communities. It's also that it's in all ways, like, where's the digression coming from, like, where's our need to, you know, not provide for the whole system? Where's it taking away from them? I don't even understand how it could be so expensive to, that it would be coming up that they are trying to get out of doing it. It's like, you know, always looking for these ways to cut corners, and be cheap, and be un-pono. I think yeah, so, you know, to be pono is like what we should all be striving for. So, why are we talking about this? What is the motivation behind it? But in any case I assure you that it is baking, scorching, cruelly hot in that sun.

CHAIR CRIVELLO: Thank you.

MS. REILEY: Thank you.

CHAIR CRIVELLO: Members, any clarifications or questions for the testifier? If not, thank you for being here.

MR. MATAAFA: Chair, there is no one else signed up to testify in the Chambers nor in the District Offices.

CHAIR CRIVELLO: That being said, Members, if there are no objections I will now close public testimony.

COUNCILMEMBERS: No objections.

CHAIR CRIVELLO: Thank you.

. . .END OF PUBLIC TESTIMONY. . .

HHT-43: AMENDING CHAPTER 6.04, MAUI COUNTY CODE, RELATING TO ANIMAL CONTROL (CC 18-251)

CHAIR CRIVELLO: So, HHT-43 amending Charter [sic] 6.04, Maui County Code, Relating to Animal Control. The Committee is in receipt of County Communication 18-251, from Councilmember Yuki Lei Sugimura, transmitting a proposed bill entitled, A Bill for an

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Ordinance Amending Chapter 6.04, Maui County Code. The purpose of the proposed bill is to amend the definitions and exemptions sections in Chapter 6.04, Maui County Code. The Committee may consider whether to recommend passage of the proposed bill on first reading, with or without revisions. The Committee may also consider the filing of County Communication 18-251 and other related action. So, Members, today we have before us this bill for an ordinance amending Chapter 6.04. As noted earlier we have Jerleen Bryant, CEO of the Maui Humane Society and Christy Gusman from the Cattlemen's Association. And, Members, the Chair would like to request both be designated as resources pursuant to Rule 18(A) of the Rules of the Council. Any...Chair?

COUNCILMEMBER WHITE: Thank you, Chair. I would like to move to file the bill and the associated Communication 18-251.

COUNCILMEMBER KING: Second.

CHAIR CRIVELLO: Thank you. Members, I have a motion to file the amended HHT-43 and A Bill for an Ordinance Amending 6.04, Maui County Code, Relating to Animal Control. I have a motion by Member Mike White, seconded by Kelly King. Any discussion? Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you, Chair. I do believe that in hearing the other testimony and what I've tried to work on in the past is the definitions or clarification that trees can be a, as shade and I know that during the conversations between the Maui Humane Society and the Cattlemen's Association there was an understanding that trees could be designated as shade. So, it's just not indicated specifically in the ordinance, but there was an understanding moving forward from that time of October 2014 from that incident and the citation indicating from Humane Society that they weren't considering trees as shade. So, moving forward and after that, subsequent to that citation there had been discussions and there was an understanding that trees can be used as appropriate for shade as long as it's a case-by-case basis and the shade covers the amount of cattle that are, that is in the field. So, I think that if you wanted to look at improving the bill that could be made, amendments could be made to it, but as far as the understanding of enforcement all parties are on the same page at this point. So, that's an option later on or not.

CHAIR CRIVELLO: Right.

COUNCILMEMBER GUZMAN: I'm not saying that Ms. Sugimura did wrong here. I think she just didn't have enough information. I could've helped her out on some of that background, but I was unaware of this bill coming forward. So, I support the motion and will be willing to leave all my notes behind for Ms. Sugimura. In fact I have a draft language for the whole shade --

CHAIR CRIVELLO: Thank you.

COUNCILMEMBER GUZMAN: --that I can give her after the meeting. Thank you.

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CHAIR CRIVELLO: Thank you Mr. Guzman. Ms. Sugimura? Any comments or further discussion?

COUNCILMEMBER SUGIMURA: Although I'm not a voting Member if you would allow me to...

CHAIR CRIVELLO: Yes.

COUNCILMEMBER SUGIMURA: Just kinda history. I'm really grateful for Mr. Guzman. I guess too bad I didn't talk to you about this before, but this has come up, it did come up through an Ag Working Group meeting that I attended and Mr. White attended where this was asked by the Maui Cattle Company...Association. They even gave us the language to put into this, so we took the language after some e-mail exchange and possibly they didn't realize the impact that this had, but they used all the words that everyone's talking about. I apologize for putting it in 'cause, I mean, I grew up with animals, and pets, and I even had a cow when I was growing up, but, you know, it wasn't my intent to be so negligent. I mean people were threatening not to come to Maui anymore because of we hate animals. I mean that's really not the intent of this either. But I just wanted to clarify that, where this came from. I do support what the Maui Cattlemen's Association is trying to do 'cause I think they are working for the betterment of who they care for and provide us, you know, many benefits in it, but I just wanted to lay that out there as you guys are gonna take your vote on this.

CHAIR CRIVELLO: Thank you. Any further discussion? Mr. White?

COUNCILMEMBER WHITE: Thank you, Chair. You know this is a, this is one of those emotional bills, but I think there is a solution here somewhere so I'm...the reason I've made the recommendation to file is that we're coming to the end of the term and this will give the folks that are involved a chance to have their discussions and see what are the, where there might be an agreement. I agree that the way that it was crafted it seemed to infer that they were taking away medical care, and water, and food, and all that kind of stuff, and that's simply not the case. I think, well, my daughter's a rancher on the Big Island and I asked her how many of your pastures have, you know, have shade. And she said only a few. And she also mentioned, you know, there are places all over the mainland where there are temperatures that are much higher than they are here in Hawaii and of course much, much lower. So, I think if you take the various concerns of both sides of this issue, there's a reasonable way to address it, and so I think it's appropriate for us to give it some time, and hopefully the Cattlemen's Association will come up with a resolution to it.

CHAIR CRIVELLO: Thank you. I appreciate the recommendation for us to file it because I think there's much work to be done on it if we're gonna talk about amendments and we'll give the new Council the opportunity to work with both sides and see if they can come up with something quite compatible to please everyone. So, Members, we have a motion to file. All those in favor?

COUNCILMEMBERS: Aye.

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CHAIR CRIVELLO: Opposed? Thank you. So, we have five “ayes,” no “noes,” and two excused, Councilmember Hokama and Councilmember Atay. With that being said, the motion passes.

VOTE: AYES: Chair Crivello, Vice-Chair Carroll, and Councilmembers Guzman, King, and White.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Atay and Hokama.

MOTION CARRIED.

ACTION: Recommending FILING of communication.

CHAIR CRIVELLO: Thank you. Going on to our next agenda item.

HHT-55: AMENDING TITLE 11, MAUI COUNTY CODE, RELATING TO PUBLIC TRANSIT (CC 18-375)

CHAIR CRIVELLO: Our next agenda item is HHT-55, Amending Title 11, Maui County Code, Relating to Public Transit. The Transportation Department is here today to talk about the proposed bill. With that I'd like to turn it over to Deputy Director of Transportation, John Buck to go over the provisions of the bill. Mr. Buck?

MR. BUCK: Thank you, Chair. On behalf of the Maui Department of Transportation we would like to say mahalo for allowing us to be here today to discuss the proposed bill to amend Title 11, Maui County Code, related to public trans...transit. When Maui Department of Transportation initiated operations back in 2003, to expedite its operations to Department use existing Code provisions from the other jurisdictions, especially from the City and County of Honolulu. Over the last 15 years the bus service has grown and with the changing environment the Department is now facing challenges that make it difficult at times for us to ensure that our riders have a safe and healthy experience when riding or especially when waiting for a bus. With the new transit center currently in the planning process and construction to begin late next year, the Department felt this was an opportune time to update Title 11 of the Maui County Code to address the challenges the Department is currently faced with and also predicting some additional challenges with the completion of the new transit hub. Before this Committee is a request to amend Title 11 of the Maui County Code which will assist the Department of Transportation ensuring the riding public a safe and healthy experience. We have also made some changes in the definitions that are more in compliance with State and

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Federal regulators. To maintain a safe and healthy environment for our riders, Maui Department of Transportation has added new prohibitions to the Maui County Code. Some of the examples are, no person present in any County bus stop, transit facility, between the hours of 12:00 a.m. to 4:00 a.m. unless authorized by the Director. No person may erect, install, or place any structure, fixture, tarp, towel, blanket, sleeping bag, bedding, chair, tent, cardboard, plywood board, shopping cart, or any other object or material at transit stops, facilities, and amenities. No person may sit, lie, sleep, or occupy at bus stop in a manner that inhibits its full and appropriate use of the public. No persons may abandon, store, or leave personal properties unattended in any bus or at any County bus stop. This is just some of the prohibitions that we added. As I said earlier, the purpose of amending Title 11 is to address some of the safety issues that the Department is currently faced at our shelters and our new transit center in the future. We'd like to take the time to thank you, Chair and your Committee, for taking up this matter today. Mahalo.

CHAIR CRIVELLO: Thank you. Members, I will now open the floor for discussion of the proposed bill. Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you, Chair. I thank the Department for bringing this forward. I see that there's a safety issue especially on, I believe, Wakea or Puunene at the shelters where we have abundance of homeless that are actually at that area under the shelter. More, and I've seen more than at least 10 to 12 carts and camping areas that they've utilized the shelters for which basically seems like there's a safety issue for the riders. I don't see anybody waiting for busses at those shelters anymore. So, I know this is a problem. I've seen it firsthand. So, I thank the Department for bringing this forth. Thank you.

CHAIR CRIVELLO: Thank you, Mr. Guzman. Any further discussion? Mr. White? Ms. Sugimura? Your light is on.

COUNCILMEMBER SUGIMURA: You know, I just wanna say how interesting it is the item that we just had that just got filed, right, regarding animals. Loud and clear, we heard you loud and clear. And for this item which involves our people and the homeless, and those people who are trying to take shelter at, you know, bus shelters and we also see it like what Mr. Guzman just described, heartbreaking right? And I think we might have gotten one or two written testimony, but nothing. It makes me also wonder, you know, what about these people, you know, so...I'm not a voting Member, but I'm kinda moved by the difference and reaction of people and I...it makes me sad.

CHAIR CRIVELLO: Thank you. Mr. Carroll, any comments? No further discussion on this matter? Yeah so...yes?

COUNCILMEMBER GUZMAN: I have a question. So, just bringing up with what Councilmember Sugimura had mentioned. If we were to pass this ordinance and now enforce I would call vagrancy provisions, people hanging around the shelter, using it for residence and things like that, will there be now an additional step to accommodate

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those homeless? What is the procedure? What is the protocol after the enforcement of this because...

CHAIR CRIVELLO: I, well I think, Mr. Guzman, and my understanding first of all, the Department of Transportation is protecting the safety of our ridership --

COUNCILMEMBER GUZMAN: Correct.

CHAIR CRIVELLO: --first of all. And the shelters are built for our ridership. I do believe, we all have a responsibility to see how we can find shelters for our homeless people and I don't believe this addresses that --

COUNCILMEMBER GUZMAN: Correct.

CHAIR CRIVELLO: --and I don't believe it's the, should be part of it. We have a homeless coordinator. We have a department, and I, and we have the non-profits that we fund to address these problems, and we as Councilmembers also have that responsibility to address the problem. So, if this is an answer to the homeless perhaps maybe then because we hopefully we'll be having some sense of follow through that we will have more participation of outreach for the homeless. I can only look at it that way at this point.

COUNCILMEMBER GUZMAN: Yeah, I agree with you, Chair. This bill is focused on the health and safety of our ridership. The shelters were built for the purpose of the ridership, and therefore the ordinance shall, should be enabling enforcement to protect those riders. May I ask the Department whether they are coordinating with the homeless --

CHAIR CRIVELLO: Of course.

COUNCILMEMBER GUZMAN: --coordinator? Just to see whether or not the aftermath of the enforcement of this because at some point they're going to be moving someplace else. You know from the shelters the homeless will move to another area --

CHAIR CRIVELLO: Excuse me.

COUNCILMEMBER GUZMAN: --and are we coordinating --

CHAIR CRIVELLO: Mr. Guzman, perhaps I can bring down our Deputy from Housing or our Director if he'd like to make any comments or our Homeless Coordinator.

COUNCILMEMBER GUZMAN: Yes.

CHAIR CRIVELLO: Yeah.

COUNCILMEMBER GUZMAN: Just to make sure and to assure the public and the Committee that steps will be taken after this ordinance is passed. Just connecting through --

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CHAIR CRIVELLO: Thank you.

COUNCILMEMBER GUZMAN: --a nexus to it.

MR. BUCK: Chair, I'll let Deputy from Housing address Mr. Guzman's question, but just the timing's so perfect is that there was a big meeting this morning and Jan can maybe go more in details regarding the homeless and what we're doing. Our major focus is the safety, and this is not only just the shelters. There's some bus stops that people just dump their refrigerators, you know, things like that so we're trying to do it real wide and we're not trying to pick on the homeless okay, it's just a safety issue. And unfortunately, it's a bigger problem, and so I attended the meeting today and I guess Jan can answer your questions maybe more detail.

CHAIR CRIVELLO: Yeah, if you can briefly answer because we're gonna concentrate on the agenda item on the transportation.

MS. SHISHIDO: Yes.

CHAIR CRIVELLO: Ms. Shishido, thank you for being here.

MS. SHISHIDO: Thank you, Chair Crivello, and thank you, Councilmembers. Jan Shishido, Deputy Director, Housing and Human Concerns. It is quite apropos that we, that Deputy Buck comes before you to talk about his bus shelters because today we just had a MOM meeting, the meeting of the minds, with non-profit agencies, Ka Hale A Ke Ola, Family Life Center. We even had the community police there. We had the Department of Public Works which are my heroes. They are because they do all the cleanups. They help us with all the cleanups as well as the community police. We also had A&B present and I think the one thing that was really an eye opener for many of the other people that were there were three security agencies who are going through the same situations, concerns about the homeless going onto their private property. I think the main thing that came out of this was that it's an ongoing problem. It is a safety issue, but I think what we realized too is that especially from the outreach, the people who are at the shelter...at the bus shelters, are the most chronic homeless, and they just don't want to be housed. Outreach go out weekly to engage with them. Community police go out there on a mixed schedule so that they don't know when they're coming out and they have been over the last few weeks trying to get them to move and then a new group comes in because there's a place to go now. So it's not the same people that are there all the time, or it's not the same homeless. But it is an ongoing issue and we are really trying our best with our Homeless Program Division getting the collaboration of many of the departments and the many outreach agencies, as well as the sheltering agencies.

COUNCILMEMBER GUZMAN: Thank you very much. Thank you.

CHAIR CRIVELLO: Thank you. So, Members, any further discussion on the bill for an ordinance amending Title 11, Maui County Code, relating to public transit? Sorry. Councilmember King?

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COUNCILMEMBER KING: Yeah...where...there's a lot of sections about this and are we amending this whole Chapter 11 with all of these sections or are we just, right now just doing one little section of it? Because I have some concerns about some, you know, like under boarding instructions on Page 7 we're adding the passengers must present a valid ID and/or bus pass if not paying cash. So, I just wanted to find out what the issue was there, if they don't have a valid ID they...what would they be doing if they didn't have a valid ID and/or bus pass or cash? Just wondering what were that, what that issue was trying to prevent?

CHAIR CRIVELLO: Mr. Buck?

MR. BUCK: One of the issues was people trying to get on with a pass that's not valid and then also they're trying to get on that...they're...you got a pass that's for one set of fare but they should be paying the other fare. If there's any questions that's the reason why it's in there so the driver can check.

COUNCILMEMBER KING: Okay. And having a valid ID helps that?

MR. BUCK: Yes.

COUNCILMEMBER KING: Okay, so what...yeah, so but if they didn't have cash or a valid bus pass you're saying they could be using a fake bus pass? Is that what you've experienced?

MR. BUCK: We've, yeah, we've experienced some where they will try to alter the bus pass so in the older days to kinda accommodate that we've changed the design of the bus passes every month --

COUNCILMEMBER KING: Okay.

MR. BUCK: --so they cannot take one if it's last month.

COUNCILMEMBER KING: Okay.

MR. BUCK: In the old days they could.

COUNCILMEMBER KING: Yeah, it's just interesting that you have to say that. You can't just assume that valid bus pass has to be, you have to have one to get on the bus. The other section I had questions on was 11.01.020. I'll get back to that section. And that refers to abandoned personal property, that's a new section that says, that means personal property which the owner has surrendered all claim of right, title, interest, and possession with the intent not to reclaim it. And it says in here, it shall be presumed that personal property left unintended at...unattended at any County bus stop, transit facility, or transit facility amenity is abandoned. So, I'm assuming that's like if you leave something on the bench or, you know, at the bus stop then it's considered abandoned, and we just don't wanna, we don't want to be liable for that. But then the next section says personal property left on a bus is not presumed abandoned and may be reclaimed

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by contacting the Department. So, just one of the things I had concerns about was if you find something in a bus stop and you give it to the bus driver, then is it now considered not abandoned, and to be held at the Department until it's claimed? Is that just understood or do we need to put that in there?

MR. BUCK: No, that's understood. Basically, what it is, is all the shopping carts full of...left in the bus shelter, or the bus stop --

COUNCILMEMBER KING: Okay.

MR. BUCK: --or abandoned refrigerators, or couches, chairs --

COUNCILMEMBER KING: Okay.

MR. BUCK: --or whatever. That's what it's geared to so that when a person gets off the bus they, it doesn't matter if it's a bus stop or especially the bus shelters that they can get off and have a free flow to and from the bus without having to walk around shopping carts or 32 bicycles that are all chained there that have been there for like a week or whatever.

COUNCILMEMBER KING: Okay so --

MR. BUCK: It's basically...

COUNCILMEMBER KING: --I was just concerned that if you find something on, sitting on the bench and then you pick it up and hand it to the bus driver they're not gonna say, oh no, that's abandoned, just leave it there.

MR. BUCK: No.

COUNCILMEMBER KING: Okay.

MR. BUCK: Usually something like that especially if it's of any value the bus driver, they'll take it and they take to the Roberts --

COUNCILMEMBER KING: Okay.

MR. BUCK: --with them and then they have a lost and found.

COUNCILMEMBER KING: Okay, so that's not necessary to add in. I'm just...

MR. BUCK: No.

COUNCILMEMBER KING: Okay 'cause that happens to me every once in a while I usually just like hope that there's somebody there I can give it to. Okay. I think those were my main concerns about the bill. Thank you.

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CHAIR CRIVELLO: Thank you. Members, any other further discussion on this particular item? Okay, so, Members, I'll give my recommendation. If there is no further discussion, the Chair will entertain a motion to recommend passage of the proposed bill entitled A Bill for an Ordinance Amending Title 11, Maui County Code, Relating to Public Transit; and any non-substantive revisions that may be needed; and filing of County Communication 18-375.

VICE-CHAIR CARROLL: So moved.

CHAIR CRIVELLO: Do I hear a second?

COUNCILMEMBER WHITE: Second.

CHAIR CRIVELLO: Motion by Member Bob Carroll, seconded by Member, Chair Mike White. Any further discussion? If not, I would like to call for the vote. All those in favor?

COUNCILMEMBERS: Aye.

CHAIR CRIVELLO: Any opposition? So, we have five "ayes," no "noes," and two excused, Member Alika Atay and Member Riki Hokama. With that being said, the motion passes.

**VOTE: AYES: Chair Crivello, Vice-Chair Carroll, and
 Councilmembers Guzman, King, and White.**

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Atay and Hokama.

MOTION CARRIED.

**ACTION: Recommending FIRST READING of bill and FILING of
 communication.**

CHAIR CRIVELLO: Thank you. So, Members, do we need a short recess until 3:00 p.m.? Yeah. Recess. . . .(gavel). . .

RECESS: 2:55 p.m.

RECONVENE: 3:07 p.m.

CHAIR CRIVELLO: . . .(gavel). . . Thank you. The Housing, Human Services, and Transportation Committee will now reconvene from recess. Thank you.

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HHT-2(3): AMENDMENTS TO THE RESIDENTIAL WORKFORCE HOUSING POLICY (PROPOSED AMENDMENTS RELATING TO INCENTIVES AND EXEMPTIONS)

CHAIR CRIVELLO: So, we have, Members, HHT-2(3), Amendments to the Residential Workforce Housing Policy (Proposed Amendments Relating to Incentives and Exemptions). The Committee is in receipt of the following. County Communication 16-132, from myself Councilmember Stacy Crivello, relating to the amendments to the Residential Workforce Housing Policy. Correspondence dated October 25, 2018, from the Department of the Corporation Counsel, transmitting a revised proposed bill entitled A Bill for an Ordinance Amending Titles 2, 3, and 14, Maui County Code, Relating to Residential Workforce Housing Policy Incentives and Exemptions. The purpose of the revised proposed bill is to amend the Maui County Code to establish a process in which developers of 100 percent residential workforce housing projects may seek to fast track development of their projects by applying for County exemptions from the Maui County Code. The Committee may consider whether to recommend passage of the revised proposed bill on first reading, with or without further revisions. The Committee may also consider the filing of County Communication 16-132 and other related action. So, Members, the revised proposed bill before us includes, if you have it before you, the following major revisions. I will read it out for you so bear with me. One, creates a standalone chapter for the new material which is now designated Chapter 2.97. Amends language in Section 2.97.030 [sic] relating to the Environmental Assessment by specifying requirements for Environmental Assessments not triggered by Chapter 343, HRS. Three, amends language in Section 2.97.070 relating to the application fee by allowing the application fee to be set in the annual Budget Ordinance. Number four, amends language in Section 2.97.160 relating to the time of completion by moving the completion date from three years to five years. And five, amends language in Section 2.97.170 relating to Council approval by setting a deadline for the Director if the Council fails to move on an application. The purpose of the proposed bill is to set forth a process which developers of 100 percent residential workforce housing projects may seek incentives for their projects by applying for County exemptions. There is a stigma that out of all of the Hawaii counties, Maui is the most difficult to build affordable housing. This is consistent with our recent SMS Hawaii's policy analysis findings which states that funders and developers encounter greater risk in Maui County than in other counties, and that risk can negatively affect a project's funding. We need to work towards changing the negative stigma about affordable housing development in the County by offering incentives to help developers, especially those who build 100 percent residential workforce housing projects through Chapter 2.96, Maui County Code. So, we have today with us Housing Director, Will Spence; Planning Director or Deputy Planning Director, Joe Alueta; Public Works Deputy Director, Rowena Dagdag-Andaya; and Deputy Corporation Counsel Ueoka here to discuss the proposed bill. I guess at this time I would like to turn first to our Housing and Human Concerns Director Spence, Will Spence for any opening comments, and then Mr. Ueoka especially is prepared to respond to any questions in regards to this proposal. So Mr. Spence?

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MR. SPENCE: Good afternoon, Chair and Members. As the Housing Director I stand in very strong support of this bill. This is...we...Maui County as the Chair says, has a reputation of making things difficult. We have traditionally tried the stick and we've not offered very many carrots. So, here we have some incentives for builders to come in to be able to provide, make it easier for them to provide affordable housing for our residents. I think this is crucial step in our Code and I strongly support it. It's a little bit like, it's pretty much like a 201H except it's within the County's control and not so much what it comes out of the State and there's a couple of advantages. One it gives the Council 60 days to approve, or change, or modify, a project instead of the standard 45. That's still a short time and of benefit to someone wanting to do something good for our residents. At the same time it's, you know, it gives the Council a longer time, and this is something, this 60 days is something I've heard for a long time. It offers tax incentives. It's overall...I'll have one comment when we get into it, but other than that I think this is a very, very good step forward. Thank you, Madam Chair.

CHAIR CRIVELLO: Thank you. Rowena...our Planning...not...our Public Works Department.

MS. DAGDAG-ANDAYA: Thank you, Chair. And again, Rowena Dagdag-Andaya from the Department of Public Works. Our Department reviewed the subject bill for an ordinance and provided comments on October 26, 2018, and at that time our only comment was with respect to Section 2.96.160 relating to the creating a bond to ensure that the project is completed within a designated timeframe. And the questions that we had were, you know, just wanting to know what kind of details with respect to the bond that the Council was interested in. In Chapter 20.08 with respect to soil erosion, our grading and grubbing ordinance, there is a sub-section in there that this, that puts together details on how we create a bond or develop a bond with the applicant. So, some of the questions that we had were, you know, what should the bond cover? Should it cover the cost of construction? Should it cost...cover the cost of site improvements which include grading, drainage improvements, utilities? So, that kind of question did come up with Staff. Another question is when should the bond begin? Do we have it issued once a grading permit is issued? Another is, what do you do when the applicant doesn't complete the bond? You know, what, you know, how do we move forward from there? So, those are the kinds of details that we just had questions on, and, you know, and wanted to get some direction from the Committee as to what the Committee would be interested in. Otherwise we, the Department, is in support of the bill and do appreciate the, you know, the extra time that it will take to review the subject applications. You know, we do wanna note that prior to any application being submitted that it's very imperative that the departments do get together and discuss the project and its merits and the, any kind of development issues that would come along with respect to things like traffic and drainage. So, again, from the Department of Public Works, we are in support of the bill and are open to working with the Committee on any changes needed to improve the bill or just any changes that any Councilmembers have. So, thank you.

CHAIR CRIVELLO: Thank you. Planning Department, Mr. Alueta?

MR. ALUETA: Thank you, Madam Chair. Appreciate the opportunity. We did send a letter earlier back in October and some of our issues were addressed. The two main things

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we'd like to reiterate are one, we do believe it is a land use ordinance change, so therefore we did believe, we do believe that the three Planning Commissioners...Commissions should have a opportunity to comment on them as noted in the Charter. The other issue is on the timeline with regards to the applicant initiating construction and completing construction. We think...obviously we support this. This does fast track it. We think that most developers will not be able to initiate within the timeframe, or would barely make...initiate...completion...complete their permitting and get the project going, or completing the project in a timeframe set out by the thing. So, I think either maybe there needs to be some kind of time extension process or something like that within it, because we already have that issue again where you have projects that have all of their land use entitlements already, they come in, they're pretty much coming in for just for their developmental permits such as SMA type of DLNR permit, and we're see, we see quite a bit of time extension requests on just the two year to initiate. We also see several requests for time extension on their five years to complete the project. So, it's, it would not be unheard of for an affordable housing project or some type of project that their financing is gonna be contingent upon certain entitlements. And so we feel that a little more time should be granted on that. But we understand the need and we, overall we support the bill. Thank you.

CHAIR CRIVELLO: Thank you, Mr. Alueta and Planning Department. So, now I open the floor to Mr. Ueoka. Oh, Mr. Carroll?

VICE-CHAIR CARROLL: Thank you, Chair. I'd like to ask Corporation Counsel, Mr. Ueoka, concerning the concerns from Public Works, especially on the bond side, do you have any comment?

MR. UEOKA: Thank you, Chair. My understanding was it was, well, it does say upon commencement of construction, so that would be the timing aspect of when Public Works would work with the developer on a formal bond to, bonding to ensure that construction has been completed within the designated timeframe. So, that's when that process would begin, and I believe it was left open so the Department would have more flexibility as to how they wanted to work with the developer on creating the bond. And as time goes on and construction changes, you know, new financing type of arrangements are open. Like for one of the residential workforce housing projects that I was aware, I was made aware of that as part of their lending that they had to get like a materials bond with whoever was selling them the materials to make sure they were gonna buy everything from there. The bank provided that to the materials guy. It was a lot of other private financing arrangements going on, so we just wanted to leave it...or I shouldn't say we, but my understanding from the drafting was it was left open so that those types of things could be taken into account rather than setting it rigid in this Code and making sure that every bond had to meet certain requirements. This way if a developer has a certain way that Public Works feels would satisfy the requirements that construction would be completed within the designated timeframe, they would be able to move forward without having to come for some sort of amendment to the Code, or it's just meant for flexibility is my understanding. Thank you, Chair.

VICE-CHAIR CARROLL: Thank you. One more question --

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CHAIR CRIVELLO: Yes, please.

VICE-CHAIR CARROLL: --for Mr. Ueoka. The question Public Works had, too, the what-if's about how the bond would be structured. Would it be for the land work, the basic infrastructure, or just for the building itself? How would...she wanted to clarification on what the bond would cover.

MR. UEOKA: Thank you, Chair. My understanding would be commencement of construction typically means the grading and grubbing, so it would be for everything 'cause it states, on a form of bonding to ensure the construction is completed within the designated timeframe. So, if it was 100 units promised they'd have to work out some sort of bond to make sure that the grading and everything were done so that the 100 units would start. However, if that's too much of a burden, I'd like to also point out that in this bill it's commencement of construction. So, they have two years to start construction, so if at the point of two years that I guess it's not gonna work out, I'd assume they wouldn't start, and bond it, and everything. That'd be my understanding or that's what I would assume, so thank you, Chair.

VICE-CHAIR CARROLL: Thank you. That's all, Chair.

CHAIR CRIVELLO: Thank you. Mr. White?

COUNCILMEMBER WHITE: Thank you, Chair. With respect to the question of whether this...this is for Mr. Ueoka, Mr. Alueta brought up the question of whether this bill needs to go through the Commissions for review. What is your opinion on that?

MR. UEOKA: Thank you, Chair. That was raised to me. Planning Department is the experts on those types of things; however, when I read the Charter, I don't believe this is a proposed land use ordinance or amendment that would need to go to the land...Planning Commissions. 'Cause this is just a County Code change. It's not actually changing anything regarding land use at all. The land use changes would either be through the DBA process or through the actual reso where you guys are giving exemptions. So, I respectfully don't concur with the Planning Commissions or I'm sorry the Planning Department's read on that, but if this body wants to send it through that's up to you guys also. But reading the language of 8-8.4, I guess that's 3 in the...it seems like it's geared more towards specific projects that go to Planning Commission review, not necessarily like these broad or I could understand some broad land use ordinances, but this one's more of a system for another type of review by this body. So, a little different. Thank you, Chair.

COUNCILMEMBER WHITE: Does a...201H is not required to go through the Commission?

CHAIR CRIVELLO: It does.

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MR. UEOKA: Thank you, Chair. That's a State ordinance and it exempts from those types of things. So, I believe one of the exemptions sometimes asks for is the exemption from the Charter provision for review for the DBA process. Thank you.

COUNCILMEMBER WHITE: And other than the 60-day timeframe and the tax, the potential tax breaks from a property tax standpoint, are there other areas in which this is less cumbersome for a developer than the 201H process?

CHAIR CRIVELLO: Mr. Ueoka?

MR. UEOKA: Thank you, Chair. I can't speak...I'm not a developer of course, but I will say that 201H is a very detailed chapter in the Hawaii Revised Statutes, so there may be some benefits in 201H that we can't give through our County ordinance, but there may be some, you know, other things that aren't as favorable within 201H. So, I guess neither one's perfect I would imagine for developers. But I think what this does do, and credit to Chair Crivello, is it gives developers another option. It's their decision on which one fits them better and now they have another option in front of them. Or they may have another option in front of them if this passes. So, I can't say which one's better or not, but I will say there are some pitfalls in 201H and I'm sure this doesn't have as many...all the same benefits as 201H I should say. Thank you, Chair.

COUNCILMEMBER WHITE: Okay, thank you. Thank you, Chair.

CHAIR CRIVELLO: Thank you. Any further questions or comments? Ms. Sugimura?

COUNCILMEMBER SUGIMURA: This is another option. I'm congratulating for putting...congratulations for putting this together. So, could I ask Corp. Counsel on the real property tax treatment, 2.97.130...I'm sorry, wrong one. On the 2.97.140, water availability exemptions. So, projects development...developed in accordance with this chapter and located in the Departments [sic] of Water Supply Central and West Maui water systems shall qualify for the exemptions set forth in subsection whatever, whatever...why is that?

CHAIR CRIVELLO: Mr. Ueoka?

MR. UEOKA: Thank you, Chair. My understanding this was included because it's an exemption already in Code, so basically this is restating an exemption from another portion of the Code. But one of the biggest complaints I've, or not complaints --

COUNCILMEMBER SUGIMURA: Concerns.

MR. UEOKA: --problems I've noticed with 2.96 is you guys put in a lot of, or you know, this Council has put in a lot of exemptions, but they never really reference 'em in 2.96, or so not everyone knows they're there. So, this was, I think, the Chair's idea to just put it in here so people would know they have the water availability exemption and it's not creating the exemption, it's just stating you should get it as per 14.12.030(F). So, it's

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not adding anything it's just pointing it out so people are aware of it when they're looking in this one section of the Code. Thank you.

CHAIR CRIVELLO: It's just reinstating I think, yeah? What we're saying what exists, yeah. Mr. White? Mr. Guzman? Okay. So, any other...Mr. Spence?

MR. SPENCE: Thank you, Madam Chair. The only thing that I...the other question I wanted to bring up on the bottom of Page 6 it, this bill calls, it says the Council may allow a, with the time limitations and everything a one-time extension allowed by the Council by resolution. And my preference would either be, you know, that the developer just come back for extensions, plural, or say two extensions, or something like that. What this says is by limiting it to one time it says there is absolutely no circumstance that any future Council would find a reason to grant a time extension. There is no conceivable possibility that the Council might wanna grant two. Or, you know, there's, there are circumstances far outside of this County that can affect a developer's ability to perform. It could be something like Katrina where no drywall is available, you know, nationwide. It could be we elect, God forbid, another person like we have in the White House that could affect, you know, construction nationwide, or economies, or whatever. I'm trying to be a little tongue and cheek there, but the, you know, there are circumstances outside of the control of this Council and this County, and I think there may be times that the Council might wanna grant more than one time extension.

CHAIR CRIVELLO: Mr. Ueoka, can you comment on that please?

MR. UEOKA: Thank you, Chair. It's very...it's a simple language change. Probably easier to go with the Council may authorize extensions by resolution. That probably would be the simplest drafting-wise to do. Again, it's a policy decision for this body. There's I'm sure arguments both ways, but I can understand what Director Spence is talking about. And I'd really like it better if a project somehow wasn't going to complete in five years for something rather manini that they could just come in for an extension rather than we have to go through a whole legal challenge of saying they missed this so we should lose all entitlements, and maybe it'll be on the sixth or seventh year. Things happen, you know, we never know, so I do like what Director Spence said, so, but like I said, it's a policy decision for you guys.

CHAIR CRIVELLO: So how would you --

MR. UEOKA: Thank you.

CHAIR CRIVELLO: --word it, Mr. Ueoka?

MR. UEOKA: Thank you, Chair. The...I would amend the sentence, a one-time extension may be allowed by Council by resolution to extensions may be allowed by Council by resolution. Or...

CHAIR CRIVELLO: Extension may be allowed by Council by resolution.

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MR. UEOKA: Yeah.

CHAIR CRIVELLO: Just delete "a one-time."

MR. UEOKA: And add an "s" to extensions.

CHAIR CRIVELLO: Yeah, extensions.

MR. UEOKA: Yeah.

CHAIR CRIVELLO: Okay.

COUNCILMEMBER WHITE: Are you asking for consensus?

CHAIR CRIVELLO: Yeah, consensus? Yeah.

COUNCILMEMBER WHITE: So, we don't have to come back and do this as a motion.

CHAIR CRIVELLO: Yeah.

COUNCILMEMBER GUZMAN: Consensus.

CHAIR CRIVELLO: That makes more sense. Yeah. Consensus?

COUNCILMEMBER WHITE: Yeah.

COUNCILMEMBERS: Consensus

CHAIR CRIVELLO: Thank you. Thank you, people. Anything further? Mr. Ueoka?

MR. UEOKA: No, thank you, Chair.

CHAIR CRIVELLO: Okay, Members, any further discussion on this? So, if there are no further discussion the Chair will entertain a motion to recommend passage of the revised proposed bill entitled, A Bill for an Ordinance Amending Titles 2, 3, and 14, Maui County Code, Relating to Residential Workforce Housing Policy Incentives and Exemptions; incorporating any amendment made at this meeting; and any non-substantive revisions that may be needed.

VICE-CHAIR CARROLL: So moved.

COUNCILMEMBER WHITE: Second.

CHAIR CRIVELLO: Thank you. Motion by Member Bob Carroll, seconded by Chair, Member White. Further discussion? Okay, Members, at this time though I would like to entertain a motion to amend Section 2. It's more housekeeping, Members. A motion to amend Section 2 of the revised proposed bill to strike any reference to Section 2.96.160

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and insert in its place with the phrase Chapter 2.97. May I have a motion for this amendment?

COUNCILMEMBER WHITE: So moved.

CHAIR CRIVELLO: Thank you. Do I hear a second?

COUNCILMEMBER GUZMAN: Second.

CHAIR CRIVELLO: Mr. Guzman. Moved by Member White and seconded by Member Don Guzman. So, I also have an additional coming up with a broomstick to sweep up and clean house. Members, another amendment...

COUNCILMEMBER WHITE: We need to vote on this one first.

CHAIR CRIVELLO: Oh, okay. I'm sorry. Brief recess. . . .(gavel). . .

RECESS: 3:33 p.m.

RECONVENE: 3:34 p.m.

CHAIR CRIVELLO: . . .(gavel). . . Thank you. I'm so excited. Okay. So, Members, we have a motion by Mike White, seconded by Don Guzman to amend this Section 2 of the revised proposed bill. All those in favor...or any discussion further? Any further discussion? All those in favor signify by saying "aye."

COUNCILMEMBERS: Aye.

CHAIR CRIVELLO: Opposed? So we have four [sic] "ayes," no "noes," and three excused, Members King, Atay, and Hokama.

VOTE: AYES: Chair Crivello, Vice-Chair Carroll, and Councilmembers Guzman and White.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Atay, Hokama, and King.

MOTION CARRIED.

ACTION: APPROVE AMENDMENT.

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CHAIR CRIVELLO: So, actually the correct reference in this proposed Section 3.48.366, Maui County Code, is to Chapter 2.97 and not section 2.96.160. So, this motion corrects the error. Going back to the main motion. All those in favor...or any further discussion on the main motion as amended? Thank you. All those in favor signify "aye."

COUNCILMEMBERS: Aye.

CHAIR CRIVELLO: Thank you. Opposed? So we have passage with four "ayes" and three excused.

VOTE: AYES: Chair Crivello, Vice-Chair Carroll, and Councilmembers Guzman and White.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Atay, Hokama, and King.

MOTION CARRIED.

ACTION: Recommending FIRST READING of revised bill.

CHAIR CRIVELLO: So, Members, at this time we have exhausted discussion and this amendment is so passed. Thank you, Members. Thank you. . . .(gavel). . . So, Members, we have completed...what?

COUNCILMEMBER WHITE: What's that? Recess?

CHAIR CRIVELLO: What? I don't know. I told you I get so excited. Excuse me. . . .(laughter). . . You know how long we've been working on this yeah, Jeff?

COUNCILMEMBER WHITE: We just voted on the main motion.

CHAIR CRIVELLO: I know. I know. Yeah. The motion passes. Okay. So, there are no further...

COUNCILMEMBER WHITE: So now you gavel back in now that you know . . .(inaudible). . .

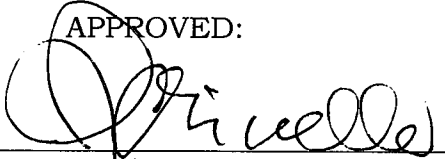
CHAIR CRIVELLO: Okay, I gavel back in. . . .(gavel). . . Thank you, Morris. Yeah. So...golly. Okay. So, Members, there are no further agenda items and at this time I certainly want to thank my Staff, Saumalu Mataafa and Clarita Balala. I want to thank Mr. Ueoka. Thank you very much, Deputy Corporation Counsel. I want to thank our Administration representatives, Mr. Spence, and Ms. Dagdag-Andaya, and Mr. Alueta. And at this time, I will adjourn this meeting and I am so happy that this has passed. . . .(gavel). . .

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ADJOURN: 3:37 p.m.

APPROVED:

A handwritten signature in black ink, appearing to read "Stacy Crivello", written over a horizontal line.

Stacy Crivello, Chair
Housing, Human Services, and
Transportation Committee

hht:min:181119

Transcribed by: Jasmin Andrion

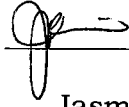
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CERTIFICATE

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 6th day of December 2018, in Kahului, Hawaii



Jasmin Andrion