

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE

Council of the County of Maui

MINUTES

October 31, 2016

Council Chamber, 8th Floor

CONVENE: 9:05 a.m.

PRESENT: Councilmember Michael P. Victorino, Chair
Councilmember Don Couch, Vice-Chair
Councilmember Gladys C. Baisa, Member (out 11:12 a.m.)
Councilmember Robert Carroll, Member
Councilmember Elle Cochran, Member (in 9:35 a.m.)
Councilmember Stacy Crivello, Member
Councilmember Don S. Guzman, Member (in 10:00 a.m.)
Councilmember Riki Hokama, Member (out 10:44 a.m.)
Councilmember Mike White, Member (out 10:44 a.m.)

STAFF: Kimberley Willenbrink, Legislative Analyst
Clarita Balala, Substitute 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.: Carol Reimann, Director, Department of Housing and Human Concerns
Janice Shishido, Deputy Director, Department of Housing and Human Concerns
John D. Kim, Prosecuting Attorney, Department of the Prosecuting Attorney
Victor Ramos, Assistant Police Chief, Department of Police
Caleb Rowe, Deputy Corporation Counsel, Department of the Corporation Counsel
Edward S. Kushi, Jr., First Deputy Corporation Counsel, Department of the Corporation Counsel

Seated in the gallery:

Anthony Arakaki, Administrative Assistant, Office of the Mayor

OTHERS: Charlene Schulenburg
Randy Wagner
Steven Clark
Gavin Thornton, Co-Executive Director, Hawaii Appleseed Center for Law & Economic Justice
Others (5)

PRESS: Melissa Tanji, *The Maui News*
Akaku--Maui County Community Television, Inc.

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CHAIR VICTORINO: ...*(gavel)*... Good morning. The meeting of the Policy and Intergovernmental Affairs Committee will come to order. It is October 31, 2016. It's approximately 9:05 and I want to wish everyone a Happy Halloween. Only thing I would ask everyone out there tonight, please be careful. Our keiki be running across the streets and out and about trying to get trick or treats and getting candies and other goodies, so please be careful as you're out there driving around tonight especially because of all our children being out there. We would like a safe Halloween. And I will say that my name is Michael Victorino. In case you didn't recognize the mask, it's the same as usual 365. I'm the Chair of the Committee. I'd like to introduce our Member from South Maui, our Vice-Chair, Mr. Don Couch.

VICE-CHAIR COUCH: Aloha. Good morning, Chair.

CHAIR VICTORINO: Good morning. Our East Maui representative, Mr. Robert Carroll.

COUNCILMEMBER CARROLL: Good morning, Chair.

CHAIR VICTORINO: Good morning. Our lovely lady from Upcountry, Ms. Gladys Baisa.

COUNCILMEMBER BAISA: Happy Halloween, Chair.

CHAIR VICTORINO: Thank you. And of course our young lady from the island of Molokai --

COUNCILMEMBER CRIVELLO: Aloha and good morning.

CHAIR VICTORINO: --Ms. Stacy Crivello.

COUNCILMEMBER CRIVELLO: Good morning, Chair.

CHAIR VICTORINO: Good morning. And I'd like to recognize the Member from Lanai. Today he has a new title and I have to recognize that title, Dr. Riki Hokama.

COUNCILMEMBER HOKAMA: Chairman.

CHAIR VICTORINO: Good morning. And of course mister...and our Chair of our Council, Mr. Mike White.

COUNCILMEMBER WHITE: Good morning, Chair.

CHAIR VICTORINO: Good morning. Excused at this time is Mr. Don Guzman, the Vice-Chair, and Ms. Cochran will be a little late, she did call in, so we'll await for her arrival very soon. Let's go to the Administration. From the Administration, Deputy Director of Housing and Human Concerns, Ms. Jan Shishido.

MS. SHISHIDO: Good morning, Chair.

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CHAIR VICTORINO: Good morning. Joining us shortly will be our Prosecuting Attorney Mr. J.D. Kim. Assistant Chief Victor Ramos from the Department of Police.

MR. RAMOS: Good morning, Chair.

CHAIR VICTORINO: And Deputy Corporation Counsel who hopefully will be joining us very shortly, Caleb Rowe. And...

MS. WILLENBRINK: He's over there.

CHAIR VICTORINO: Oh, he's over there. I thought you was over there. Oh, Caleb, you snuck in. Thank you, Caleb. And of course Ed Kushi, our First Deputy Corporation Counsel. Today we have our Legislative Analyst, Ms. Kim Willenbrink. And...

MS. WILLENBRINK: Good morning, Chair.

CHAIR VICTORINO: Good morning. And taking Ms. Frias' place today is Clarita Balala. Thank you, Clarita, for being here today. Now, let's check with our District Offices. First of all, let's start with our District Office in Hana. Are we connected? District Office in Hana, Dawn Lono, Dawn, are you there?

MS. LONO: Yes. Good morning, Chair. This is Dawn Lono at the Hana Office.

CHAIR VICTORINO: And, Dawn, do you have anyone wishing to testify? A lot of static from Hana. Dawn?

MS. LONO: I have no one waiting to testify, Chair.

CHAIR VICTORINO: Thank you. I'll call upon you again if...when we get through with the testimony in the Chamber. Our office on Lanai, Denise Fernandez, Denise, are you there and do you have anyone wishing to testify?

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

CHAIR VICTORINO: Thank you, Denise. And our Molokai Office is Ella Alcon. Ella, do you have anyone wishing to testify?

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

CHAIR VICTORINO: Okay, ladies, after we get through with testimony in the Chamber, I'll call upon you once again, and if there's no one then we will close public testimony at that time. Also today we have here Gavin Thornton, the Executive Director from the Hawaii Appleseed Center for Law & Economic Justice. Thank you for being here again, Gavin.

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MR. THORNTON: Good morning.

CHAIR VICTORINO: Good morning. Thank you. Gavin was with us the last time we had this discussion, and he was so gracious to come back and not only to talk about the bill we discussed but all the other five bills that we'll be discussing today, the total of five bills, the other four I should say, excuse me, regarding homelessness. We will open public testimony at this time. We will only have testimony based upon the agenda items. Please sign up on the desk located in the 8th floor lobby if you haven't signed up by now. Testifiers will be limited to three minutes. At two-and-a-half minutes the light will turn yellow, and at three minutes you will be asked to conclude. It will be blinking red and I will ask you to conclude. Just three minutes. Please state your name and any organization you may be representing. And we have already established connections with our District Offices. And once we're done with testimony here at the Chamber then we'll call upon our District Offices to see if anyone wishes to testify at that time. So with no objections, I'd like to open up to public testimony?

COUNCILMEMBERS: No objections.

CHAIR VICTORINO: Thank you. Ms. Willenbrink, will you call up our first testifier?

MS. WILLENBRINK: Yes, thank you, Mr. Chair. Our first person to sign up in the Chamber to testify is Charlene Schulenburg.

. . .BEGIN PUBLIC TESTIMONY. . .

MS. SCHULENBURG: Good morning, everybody. Thank you for calling this to attention and for a discussion. My name is Charlene Schulenburg, I live in Kihei. I am testifying on behalf of the, on behalf of myself but in favor for all of the laws. I do believe we need more tools in our toolbox. We have noticed a huge increase of homelessness not only in the State but in the County of Maui and especially in Kihei. We're trying to deal with these things with the community. We've been taking community meetings. We've been meeting with the community officers. We've been trying to come up with solutions. But in the meantime, we really have a problem because when we do call the police for some of these exact issues, defecation, urination, laying in the sidewalks, alcohol consumption publicly, no offense to the police but they, most the times they say they can't do anything. This stuff is unenforceable right now because we don't have these laws. We really don't have tools to help us. When we do call the DLNR, they often say oh well, this is a police matter. When we call the police, they say oh, it's a DLNR matter. So we're not clear about what the laws are. As an individual who has had to call the police many, many times not only for my private property issues but for the reserve out front and for the beach, I have specifically had to deal with this. I've written up dozens and dozens of police reports. I've tried to even get one person prosecuted for a repeat offense and it was unenforceable. I've gone through the whole process, I can prove it doesn't work, it's not enforceable. We need these laws please, please. We need the tools. We're not against homeless people, we don't want

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homelessness, we don't want hunger, we don't want these things, we want to try to come up with solutions, but we need a few more tools in our toolbox for the community, for the police, for the citizens, and for the homeless. I mean they need guidance, they need help, they need to know it's not okay to be chugging alcohol in the middle of the reserve. It's their behaviors that get affected when they're on alcohol, many of them on drugs, many of them mentally unstable. They need medications. They need services. We're not just trying to be mean and put them away, but we do need to enforce our beautiful Kihei area. A lot of us have tourist-related businesses and it's being directly affected. We're being asked things like oh, we hear there's a lot of homelessness in that area, are we really wanting to come down and stay there? That's sad because Kihei is a driver of our economic support system with the tourism industry, especially for Maui. So I beg of you, please consider these laws, especially the alcohol law --

MS. WILLENBRINK: Three minutes.

MS. SCHULENBURG: --urination, defecation, and laying [sic] in the street. It should be sitting in the, on the sidewalks as well, not just laying [sic]. How much time do I have? Twenty seconds. Also, the homeless have been, they've been hanging out in packs lately so it's been getting more dangerous, and this is part of the reason we need the tools.

CHAIR VICTORINO: Ms. Schulenburg, I'm going to have to ask you to conclude.

MS. SCHULENBURG: I will conclude. Thank you very much for listening. But they are hanging in packs and their behavior is getting more and more dangerous. We're not feeling safe walking in our neighborhood like we used to.

CHAIR VICTORINO: Thank you.

MS. SCHULENBURG: Thank you.

CHAIR VICTORINO: Questions from the...Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair. And thank you, Ms. Schulenburg, for being here. When you mentioned that you tried to get something enforced and you said it was unenforceable, what were you trying to do and what, you know, 'cause it's kind of a general...

MS. SCHULENBURG: I will try...I'll explain this as fast as I can. There is a particular person in Kihei, a homeless man who is terrorizing basically the neighborhood. He has trespassed, he does defecate right in front of everybody, in front of tourists. He yells, he fights, he's always blitzed out of his head, problem person. Okay. I called the police on him, he had trespassed on my property many, many times. I finally went to court, I got an injunction against him for trespassing. And I had the injunction, I had everything in place. The judge even allowed me to have additional space. I think he extended it from 150 feet to 150 yards that this person had to stay away from us

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because he was harassing us. So it wasn't just a trespassing thing, it was a harassment. I don't have all the legal terms, I apologize. But anyway, he then trespassed and harassed us again so I called the prosecutor. And it took about three weeks for the...or no, excuse me, three months for the prosecutor to call me back. And when he did, he said that...I said I wanted to prosecute, and he said he could not prove that this person knew he was trespassing and was within the distance that had been, you know, ruled against him to come within my person. And I said well, how do I prove that he knew what he was doing? This is a person who is out of his mind on any given day anyway, and the guy said, and the prosecutor said you would have to take your injunction papers out and wave it at him and say oh hey, Mr. whatever your name is, did you know that I have an injunction against you? I'm Charlene Schulenburg, you're not supposed to be near me. That doesn't make any sense. This was about harassment. This guy is harassing, trespassing. I don't want to be near him. I don't want to have to say hey, remember me? That's the exact opposite of what should be happening. I understand there's double, you know, people in the jail right now per cell. I understand we're, you know, we're overbooked. I understand the issues, but that proves to me that it's unenforceable. I don't have a way to protect myself. We don't have ways to protect ourselves. So that was the...that was frustrating.

VICE-CHAIR COUCH: Thank you, Chair.

CHAIR VICTORINO: Okay, thank you. Any other questions for the testifier? Thank you. And, Ms. Schulenburg, we do share your challenges.

MS. SCHULENBURG: Thank you.

CHAIR VICTORINO: You know this is not just in Kihei, it's happening all around this County --

MS. SCHULENBURG: Very true.

CHAIR VICTORINO: --all over the State, and pretty much all over the nation. 'Cause even I was just, I just came back from Philly and as we walked the streets of Philadelphia, there were people --

MS. SCHULENBURG: I know.

CHAIR VICTORINO: --approaching us asking for money.

MS. SCHULENBURG: Yeah.

CHAIR VICTORINO: It's all over.

MS. SCHULENBURG: It's sad, I know.

CHAIR VICTORINO: It is a sad chronology of our society --

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MS. SCHULENBURG: It is.

CHAIR VICTORINO: --in general, but let's not go into that, we're here to discuss other things.

MS. SCHULENBURG: Thank you.

CHAIR VICTORINO: Thank you, my dear.

MS. SCHULENBURG: Thank you.

CHAIR VICTORINO: You have a great morning.

MS. SCHULENBURG: Thank you.

CHAIR VICTORINO: Do we have any other testifiers in the Chamber?

MS. WILLENBRINK: Yes, Mr. Chair. The next person signed up to testify is Ms. Randy Wagner.

CHAIR VICTORINO: Randy Wagner. Okay, thank you. Mr. Wagner? Oh, Ms. Wagner. Sorry. I should have known that, Randy. Sorry.

MS. WAGNER: Good morning.

CHAIR VICTORINO: Good morning.

MS. WAGNER: My name's Randy Wagner and I'm a mom, and a grandmother, and a long-time resident of Maui County and Kihei. I represent my whole neighborhood when I say that we need these laws. Charlene explained the situation. I was here the last time this, the one law about lying down came up. I wanted to say two things about that. One is that it needs to be a sit-lie law, not just a lie law because of the gangs. They're, you know, and I'll send pictures to all you Councilmembers of 15 people sitting together drinking on the street between my house and the grocery store, and I can't walk there anymore. And my daughter-in-law and her daughter can't walk in our own neighborhood anymore without fear of harassment. Just last week, there were two gentlemen sitting right by my house drinking on the sidewalk and with a pile of beer cans piling up, and I called the police and they said there's no law against that, we're not going to come, and so it was really, really frustrating. But I wanted to bring up something that the Appleseed representative said last time. You said that you didn't think the law was good, because it just moved people into other areas and that your children actually went by an individual every day on their way to school on their bike. Well, the situation in our neighborhood is much more severe than that. We have new people coming in constantly, mostly middle-aged white men who are very scary, and they hang around and they're not sober. And it's really different than seeing an individual who you're familiar with, you kind of get their

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behavior, 'cause there are those people too that we feel safe around. But the constant influx...and the reason we have such an influx is because we have a program in our neighborhood that feeds people seven days a week every day of the year, and so our neighborhood has become a real attraction area for these people. And they're living in all the wetlands. And the church said please, to them, I think they said don't hang out so much right by the church because the neighbors are complaining. So now they're like infiltrating deeper into the neighborhood and it's really terrifying. And it's very unfair for us as an urban neighborhood that we have to be subjected to this basically abuse by a limited number of individuals. So anyway, I support the laws. I'm happy to help work on solving the shelter problem. I would donate time. I'm an architect, I could do whatever is asked of me; however, we need the laws now. We can't wait for the process of getting the shelters built which is what the Mayor said, we can't have these laws until we have the shelters. We need to disperse these people from the epicenter of our neighborhood, and I feel like the only way we can do that is to have behaviors that are accountable. You know it's not accountable to just sit in a gang and scare people --

CHAIR VICTORINO: Right.

MS. WAGNER: --and to leave rubbish and --

MS. WILLENBRINK: Three minutes.

MS. WAGNER: --stuff.

CHAIR VICTORINO: Okay, thank you, Ms. Wagner. Questions for the testifier? Seeing none...well, hurry up.

VICE-CHAIR COUCH: I raised.

CHAIR VICTORINO: Go ahead, Mr. Couch.

VICE-CHAIR COUCH: Thank you, Mr. Chair. Thank you, Ms. Wagner, for being here. So you mentioned that one time you called the police and they said that they can't do anything. When you say they, was --

MS. WAGNER: The officer.

VICE-CHAIR COUCH: --it the dispatcher or the officer did come out?

MS. WAGNER: It was the...no, he didn't come, he wouldn't come. He said there's no law against that.

VICE-CHAIR COUCH: Okay. So when you call, you call the non-emergency number?

MS. WAGNER: I call the non-emergency number and an officer called me back.

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VICE-CHAIR COUCH: Gotcha.

MS. WAGNER: And the officer said there's no law against that.

VICE-CHAIR COUCH: Okay, thank you.

CHAIR VICTORINO: Any other questions for the testifier? Seeing none, thank you, Ms. Wagner.

MS. WAGNER: Thank you.

CHAIR VICTORINO: Any more testifiers, Ms. Willenbrink?

MS. WILLENBRINK: Mr. Chair, the final person signed up to testify in the Chamber is Mr. Steven Clark.

CHAIR VICTORINO: Mr. Clark?

MR. CLARK: Hello, everybody. I'm Steven Clark, I'm testifying on behalf of myself. I'd like to testify on behalf of the homeless actually. A lot of these rules that we're implementing on them are basic bodily human needs. I mean we're telling them that they can't sleep, they can't use the bathroom. They have no place to use the bathroom. All the bathrooms are locked. Try to walk into a bathroom as a homeless person. Hey, can I borrow the key? Nobody is going to say yes. They're trying to sleep. We've kicked them out of their campsites, they are ushing [sic] around the land, and these are people that are literally just trying to sleep. And, you know, and they get mad when they get woken up, of course. Somebody wake you up, you would get mad too. And I don't want to see rules made up where basic human rights apply for everybody except for the poor. You know, oh, if you're poor, you can't take a nap in a park. Oh, if you're poor, you can't do this. Oh, if you're poor, you can't drink. Look at what happened in Kamaole. We have a no-drinking rule unless you're like playing a softball game or you got money. But if you're a poor person, you can get arrested. And I'm worried, I don't think that's legal, and I don't think it's right. And I feel as humans, us seeing people starving and dying on the street and walking by them and being mad at them, that's our fault. The world's gotten rougher. It's not easy for everybody. And that's all I wanted to say. Thank you.

CHAIR VICTORINO: Well, thank you, Mr. Clark. We appreciate your opinion. Any questions for Mr. Clark? Thank you, sir. Appreciate that. Any other testifiers, Ms. Willenbrink?

MS. WILLENBRINK: No, Mr. Chair.

CHAIR VICTORINO: Okay. I'll check with the District Offices. Hana, Dawn, do you have anyone wishing to testify?

MS. LONO: There's no one waiting to testify at the Hana Office.

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CHAIR VICTORINO: Thank you, Dawn. Denise, do you have anyone wishing to testify?

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

CHAIR VICTORINO: Okay. And finally, Ella in Molokai, is there anyone wishing to testify in Molokai?

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

CHAIR VICTORINO: Thank you. I'll give anyone who has not testified that may be in the gallery that wishes to testify one more opportunity to come forward. Seeing none, with no objections, I will close public testimony.

COUNCILMEMBERS: No objections.

CHAIR VICTORINO: Thank you.

. . .END OF PUBLIC TESTIMONY. . .

CHAIR VICTORINO: I would like to also recognize the presence of our Prosecuting Attorney, Mr. J.D. Kim.

MR. KIM: Good morning.

CHAIR VICTORINO: Thank you very much for being here, Mr. Kim. Also, by closing public testimony, we have received eight written testify...testimonies, and I will tell you that it was right down the middle, four opposed, four in favor of these changes. So and there is more that has been coming in. So I find the community very divided on this issue, very, very divided on this particular issue.

ITEM PIA-61: HOMELESSNESS (PROTECTING AND PRESERVING PUBLIC HEALTH, SAFETY, AND WELFARE) (CC 15-296)

CHAIR VICTORINO: We'll move on now to the issue at hand. We'll start off, first of all, Homelessness (Protecting and Preserving Public Health, Safety, and Welfare), PIA-61. Can we please turn the...I don't like to hear myself over. Maybe take the microphone and give it to them. Yes. Okay, so again, going back to PIA-61. The Committee is in receipt of County Communication 15-296, from the Mayor, transmitting five proposed bills entitled 1. A Bill for an Ordinance Amending Title 8, Maui County Code, by Adding a Prohibition Making it Unlawful to Defecate or Urinate in or on Public Places. That's the bathroom bill. 2. A Bill for an Ordinance Amending Chapter 8.21, Maui County Code, Related to Liquor in County Parking Lots and Other Public Areas, so called the liquor bill. No. 3. A proposed bill entitled A Bill for an Ordinance Amending Title 8, Maui County Code, by Adding Prohibitions Relating to Lying Down on Public Sidewalks. And that's the sidewalk bill. No. 4. The proposed bill entitled A Bill for an

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Ordinance Amending Title 8, Maui County Code, by Adding Prohibitions Relating to Taking or Abandonment of Shopping Carts, the shopping cart bill. And finally No. 5. A proposed bill entitled A Bill for an Ordinance Amending Title 8, Maui County Code, by Adding Prohibitions that Makes it Unlawful to Solicit in any Aggressive Manner in Public Places. That's the solicitation bill. Unfortunately, the Mayor was unable to make today's meeting; however, we do have Ms. Shishido representing, and also in the gallery we have the Director of the Housing and Human Concerns. So we may call upon you if you are so available. Thank you for being here. Today, I'd like to keep the discussion on key points, and I would like to address in this meeting...or in the last meeting I should say we talked about Federal funding losses, constitutionality, laws that are already in effect that may address some of these issues, and overcrowding of our jails at this time and in the future. Before we start discussing these bills, I would like to turn your attention to a correspondence dated October 24, 2016, from the Director of Housing and Human Concerns, responding to the Committee's request about possible losses of Federal funding associated to the criminalization of homelessness. At this time...do you all have it, by the way, before I move on? Do all the Members have that particular correspondence? Okay. I will call upon Ms. Shishido if she can explain, and if you have any concerns or questions, you may ask her at that point. Ms. Shishido?

MS. SHISHIDO: Good morning.

CHAIR VICTORINO: Is it on? I don't think it's on.

MS. SHISHIDO: Hello.

CHAIR VICTORINO: There you go.

MS. SHISHIDO: May I make an opening statement?

CHAIR VICTORINO: Yes, you may.

MS. SHISHIDO: Thank you. So good morning. Jan Shishido, Deputy Director of Housing and Human Concerns, and good morning, Chair Victorino and Councilmembers. Happy Halloween. This morning, I'm here to continue the ongoing discussion on homelessness as we have come to know homelessness in a huge, as a huge concern and issue that it truly takes the whole community to get involved, assist, and assist with solutions. So I applaud the Kihei gang who came out here to testify. Thank you. Many of the homeless have severe mental health issues, and we saw in Chair Victorino's last meeting, an earlier testifier who was threatened by a homeless man who later found out has severe and escalating mental health problems. Thank you to Chief, and Assistant Chief Ramos, Sergeant Gilroy, and community police officers that tackle the homelessness every day. They know most of the homeless by name. They gather shopping carts and even assist with the opala, the rubbish that's out there, and they understand and deal with the homeless in a very compassionate manner. Thank you, Gavin Thornton from Appleseed, to again be present today on Maui, knowing your busy schedule on Oahu. The Department is grateful to the Council for the

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Homeless Division that will be made up of a coordinator and a specialist. I am pleased to announce that today recruitment has started and applications will be accepted till November 15. So these ordinances before you today are part of Mayor's initiative, and the Mayor made it very clear in that the sheltering expansion, pending projects of affordable rentals and moving forward in the Housing First Model need to be put in place along with the anti-nuisance laws. Thank you, Chair Victorino, for the opportunity for the public to better understand the homeless and how the Mayor and the other County departments are collaborating with the service providers to minimize the increasing concerns of the homeless. Thank you. Can you please repeat your question?

CHAIR VICTORINO: Well, thank you for that opening statement. And part of it was your opening statement. And on the letter dated October 24, 2016, there were some responses that you...and you shared some concerns from your Department. So if you'd like to better explain that to the Members of the Committee before we move on.

MS. SHISHIDO: First of all, I want to thank Gavin for bringing up the NOFA, that would be the Notification of Funding Availability which comes to all the states, and this funding process comes with a very huge point system. And I think in the letter, Director Reimann mentioned that out of the, when it comes to some of the criminalization laws, if we don't have them on the books, we get extra points. And these were only like 2 points out of the 200, but it's really, it's very important for us to be able to expand on many of these rules. And I apologize, I have a really bad cold.

CHAIR VICTORINO: Thank you.

MS. SHISHIDO: So anyway...

CHAIR VICTORINO: Thank you, Ms. Shishido. Ms. Reimann, if you're available, would you come up and join us? Because Ms. Shishido seems to be having a difficult time, and, you know, maybe you can help us a little bit more with this. So if you don't mind, Ms. Reimann. And I see her approaching so come on down. If you want to, you can...Caleb, if maybe one of you would...yeah. Okay, thank you, Junior. Okay. If you'd introduce yourself, Ms. Reimann.

MS. REIMANN: Good morning, Chair. Carol Reimann, Director of Housing and Human Concerns. Thank you.

CHAIR VICTORINO: Would you like to add anything more to what your Deputy had just stated?

MS. REIMANN: No, I think Jan pretty much summed it up. You know we are, you know, some of the HUD funding is very critical to what we do, but then again, you know, we need to balance it out with our community needs. And, you know, we hear what's happening in Kihei and we feel for our neighbors. And, you know, there needs to be some balance here.

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CHAIR VICTORINO: Okay, thank you. And so at this point, Members, I will open up the floor to this response letter dated October 24, 2016. And then we'll move into the specific bills themselves. So do we have any questions for the Department upon this response letter dated October 24, 2016? Mr. Couch, I know you have.

VICE-CHAIR COUCH: Thank you, Mr. Chair. And thank you, Ms. Shishido, for giving us this document. What...you know, without having to go through it with a calculator and everything, what are the total number of points available?

MS. SHISHIDO: Two hundred.

VICE-CHAIR COUCH: And two, up to two, I read where it said up to two is you get for criminalization or the lack of criminalization. Is that right?

MS. SHISHIDO: Correct.

VICE-CHAIR COUCH: Page 35. Okay. All right, thank you, Chair.

CHAIR VICTORINO: Okay. Other questions for the Department on this particular response? Seeing none, then I'll move on to the next area which will be actually starting with the sidewalk bill. And I would like to recognize the presence of Ms. Cochran. Thank you for being here.

COUNCILMEMBER COCHRAN: And thank you very much. Good morning, Chair.

CHAIR VICTORINO: Let's continue our discussion on the sidewalk bill. I know it's been a law...it's been law regarding a matter that Oahu and for some time has had on the books. I would like to note, however, that Oahu has unfilled housing available for, to shelter homeless people and families. Also, Honolulu's ordinance has been called into specific geographical areas, mainly commercial areas and is opposed...as this bill opposed by the Mayor himself. So at this point, I would like to call upon Mr. Kim and Mr. Rowe, which either one would like to weigh in on the sidewalk bill. Because I think that's our first step and then we'll move down the rest of the various items. So I don't know, Caleb or J.D., who would like to take that on first? Caleb? Okay. Go ahead.

MR. ROWE: I'll make a comment on that.

CHAIR VICTORINO: Okay, Mr. Rowe, go ahead.

MR. ROWE: The Oahu ordinance that you referenced, there are...there was a lawsuit brought about that, but the basis of the lawsuit was a provision that allowed for seizure of property that belonged to the homeless people. The specific law that we're looking at today, the lying down on public sidewalks, that does not call for seizure of property. So there is a difference there that our office believes is legally relevant.

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CHAIR VICTORINO: So if I'm correct, their biggest contention with their sidewalk bill was basically the seizure of property?

MR. ROWE: I believe that's true. Yes, that was the basis of the lawsuit that was brought.

CHAIR VICTORINO: Okay, thank you for that clarification. Members...Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much, Chair. One of the testifiers mentioned it and I've been waiting to ask this question and that is why are we saying lie down when Honolulu is sit-lie?

CHAIR VICTORINO: Mr. Rowe or Mr. Kim, if you would like to address that question?

MR. ROWE: I believe that that's more of a policy question than a legal question so I can't really answer that. This bill wasn't brought by our office so I guess you could ask the Administration that question.

COUNCILMEMBER BAISA: Well, I'd sure like somebody to explain to me 'cause I don't see the difference. If you're going to sit down on the sidewalk like we heard this morning with a whole bunch of people and not lie down, you still causing problems, can't get around you. So if you're lying or sitting, you're still in the way. I mean what, why did we say only lying down? 'Cause most people will not lie down, they'll sit.

CHAIR VICTORINO: Okay, miss...either...Ms. Reimann, do you have any answer to...and I guess this came from the Mayor himself and you folks all worked on it so maybe you have more insight than maybe Mr. Rowe does.

MS. REIMANN: Correct. We were not involved in the actual drafting of it, but I understand your point and it's a point well taken. And if this body, you know, feels it needs to add sit to the ordinance, you know, that would be fine.

CHAIR VICTORINO: Okay. J.D., do you have anything you'd like to add?

MR. KIM: Thank you, Mr. Chair. Good morning, Councilmembers. Just to initially let you know, our Department was not consulted on the drafting or the promulgation of any of these ordinances. As far as I understand the sit-lie law, if it's not based on place and time, we'll have a very difficult...well, it will be unconstitutional for us to prosecute those cases as far as I know, because you have this exception in the ordinance on your freedom of association of free speech and that's an issue. If you're sitting in protest or lying down in protest, we're not able to prosecute, and if that's the intent of the person cited for this violation of the ordinance if this ordinance passed then we have nowhere to go to prosecute.

CHAIR VICTORINO: Okay. Thank you for that clarification. But obviously in Oahu there has been some degree of success. Unfortunately, again, the seizure of property has been a real challenge, I've seen that on the news. But and again, the other part of that equation is Ms. Baisa and I go to Honolulu enough and I think many of you who do,

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you see they clean out an area and within weeks they're right back. So it's almost an endless process. So I don't know if adding sidewalk or sit in this sidewalk law would, or bill would add anything more, any more teeth according to you, Mr. Kim. But anyhow, I'll open up for more discussion. Anyone else want to discuss? Seeing no...yes, Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair. I guess, you know, we also have the...

CHAIR VICTORINO: We're taking them one at a time, so if you're going to jump ahead, please hang loose.

VICE-CHAIR COUCH: No.

CHAIR VICTORINO: Okay.

VICE-CHAIR COUCH: We're talking sit-lie.

CHAIR VICTORINO: Sidewalk, yeah. Sidewalk, yeah.

VICE-CHAIR COUCH: Yeah, yeah, sidewalk.

CHAIR VICTORINO: Please. Yeah okay, please.

VICE-CHAIR COUCH: Any chance, you know, we can include sleeping or passed out on public sidewalks possibly instead of just lying down? That's a potential. What I really want to know is from the Police Department, would this bill be effective, help you with any kind of enforcement? I mean we had a testifier say that there's 15 people sitting around on the road and the sidewalk in their neighborhood drinking and just sitting there, and that there isn't anything that is illegal about that.

MR. RAMOS: First of all, I'd like...

CHAIR VICTORINO: Chief Ramos?

MR. RAMOS: Good morning, Chair. Good morning, Councilmembers. Good morning, everybody in the crowd. First of all, I'd like to apologize for that statement that was made to you that we can't do anything. I don't like to hear that because there's always something we can do. But to answer your question, Councilmember, yes, it would help us, it's a beginning. Anything that will give us teeth or that can help us clear out the vagrants on the sidewalks and whatnot will be very helpful for us.

VICE-CHAIR COUCH: How would this be different from the HRS 711-1101 about disorderly conduct where it says, you know, commits offense of disorderly conduct if, with intent to cause physical inconvenience--which it sounds like that--or alarm by a member or members of the public, or recklessly creating a risk thereof, the person: ...creates a hazard or physically offensive condition by any act which is not performed under any authorized license or permit. Can that situation be handled with HRS 711?

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MR. RAMOS: Usually when we apply disorderly conduct, it's regarding fights or things like that, and this will be more specific in addressing that issue.

VICE-CHAIR COUCH: Okay. And I don't know where this fits in, the sit and lie or anywhere but maybe at the end, Mr. Chair, we can talk about the whole injunction testimony. It's very interesting that that comment was made by the prosecutor, but that, I don't know where that fits in these five bills, so.

CHAIR VICTORINO: Well, yeah, let's...I would at this point like to cover all five bills before --

VICE-CHAIR COUCH: Okay.

CHAIR VICTORINO: --I get into that matter.

VICE-CHAIR COUCH: Okay.

CHAIR VICTORINO: I think it was interesting. Mr. Thornton from the Appleseed Foundation, would you like to add something before we move on to the next bill?

MR. THORNTON: Sure. I just have a few thoughts about things that have been said about this bill. You know I really empathize with Ms. Wagner who referenced what I testified about last time I was here, you know, about my children having to go by a person each day on their way to school, who's homeless, who sleeps right across the sidewalk. And that is definitely different from what she's described about the groups of men congregating. That would give me a whole lot more concern. And in fact, I'm even, you know, concerned about the current situation. I just don't know what the answer is, because on Oahu we've adopted sit-lie legislation and that hasn't gotten rid of homelessness. It's shuffled people around, it's moved them elsewhere. Sometimes as we heard earlier, it moves people away just momentarily, and they come right back to where they were before. So, you know, I don't think that these types of rules, of laws are going to fix homelessness any more than like making being unemployed illegal would fix an unemployment problem. You know the fix to homelessness is most often housing and creating affordable housing, and there's simply not enough of it here in Hawaii. And especially, you know, and it's a huge a problem here on Maui. And that's not, I'm not saying that there's no place for any of these ideas under discussion today in any form, but I think there's a need to be very careful because rules like this, this sidewalk ordinance have the potential for exacerbating the problem. By criminalizing this behavior, things that if they have no alternative, if they don't have anywhere else to sit down or lie down or sleep then they're going to get fined. Probably not able to pay that fine, they're going to get a bench warrant issued against them, they can be thrown in jail. That's a very expensive way to house someone who's homeless, putting them in jail. And, you know, I think the reason why you get dinged on the NOFA by HUD for having laws that criminalize homelessness is because, you know, the people have found that these just don't work. They're not effective, cost effective ways of addressing homelessness problems, and instead what's been recommended or things that...spending resources on housing, spending resources on training the police to,

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you know, help intervene, help connect people with services, things of that nature. And so I would just be really cautious. The last thing that I wanted to mention about a difference from Oahu versus what's being considered here for the sidewalk bill, Oahu is geographically limited in scope and there hasn't been litigation on that issue, because they were cautious when adopting that law to ensure that it was limited. Because they were concerned that if it was an island-wide or very broad restriction that it would be unconstitutional, and so I think that concern applies here where you have an island-wide restriction.

CHAIR VICTORINO: And thank you. And I think that's an important point to bring to the table is that by geographically, you know, limiting the homeless situation, they have not constitutionally challenged it to this point. But it's still an existing problem and it's getting back in Waikiki again, I just saw that. And so it's an endless problem. You gotta get to the core of the problem instead of just putting Band-Aid, and I believe a lot of this issues...and I want to give our police the tools to do their job, but again, they're just Band-Aids until we really correct or do our job to fix the problem which is homelessness. So Ms. Baisa, then Mr. Couch.

COUNCILMEMBER BAISA: I think Ms. Cochran was trying --

CHAIR VICTORINO: Oh.

COUNCILMEMBER BAISA: --to get your --

COUNCILMEMBER COCHRAN: Oh no.

COUNCILMEMBER BAISA: --attention. No, go ahead.

CHAIR VICTORINO: Okay. I see all the hands --

COUNCILMEMBER COCHRAN: Sure, thank you.

CHAIR VICTORINO: --going this way, that way, so okay.

COUNCILMEMBER BAISA: I saw hers before mine.

COUNCILMEMBER COCHRAN: Oh.

CHAIR VICTORINO: Okay.

COUNCILMEMBER COCHRAN: Okay. Thank you, Ms. Baisa, Mr. Couch. And pardon my tardiness, Chair. Glad to be here. And so I appreciate a few of these proposals here today, but this one, the lying down on public sidewalks is kind of a hard one for me to swallow right now. And I just wanted to refer to the ACLU, I don't...sorry, Chair, if I missed, if there was any testimony from ACLU here today?

CHAIR VICTORINO: There's written testimony but no --

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COUNCILMEMBER COCHRAN: But we have written.

CHAIR VICTORINO: --public.

COUNCILMEMBER COCHRAN: Okay. And just in reference to that in particular, that testimony, how has this panel, people on the panel here or our County, you know, looked at this testimony and addressed it in any way if anyone has any answers in regards to this? Violation of the 8th Amendment, and these laws to criminalize poverty itself are unconstitutional. And I totally agree with Mr. Thornton in regards to is there an alternate for, you know, another option for these people, a place to go, a shelter, some help? Rather than sit under that tree, sit under, you know, in that park, sit on that sidewalk, lay on that sidewalk, sleep on that bench, what have you. I mean what are their alternatives? And I know we again are searching for those answers, but until we get those, this type of practice will continue. And I think it seems very, you know, inhumane to treat people this way. I've been watching the specials on TV, the *No Room in Paradise* the last couple Sundays, and it's very touching and moving that these people's lives are affected this way. So just wanted to see if, what is our, I guess, rebuttal or answer to the ACLU comments in their testimony?

CHAIR VICTORINO: I don't think there is an answer and there is no rebuttal.

COUNCILMEMBER COCHRAN: There isn't one? Okay.

CHAIR VICTORINO: There isn't any. I don't think we've gotten to that point about rebutting anything anyone has said to this point. What we're trying to do at this point is strictly to gather what we can and cannot do, and we've heard from J.D. Kim already that he feels this one in particular, it's unenforceable. But yet the police and the public is crying out for some help. So we're trying to find that happy medium. And maybe Mr. Thornton and all of us can put our heads together and find some alternatives. But at this point in time, I just want to cover the bills and see what we can come up with and see if there's alternatives. So that's my answer to you as far as the rebutting is concerned.

COUNCILMEMBER COCHRAN: Okay.

CHAIR VICTORINO: Mister...Assistant Chief Ramos.

COUNCILMEMBER COCHRAN: Chief Ramos?

MR. RAMOS: Thank you. When it comes to recognizing vagrancy and homelessness, Police Department, we actually define this issue as vagrancy as opposed to homelessness. There's a lot of homeless people out there that actually want the services provided to them, and there are those that choose this lifestyle, drugging, alcoholic. That's who we consider vagrants. They are the ones that cause the bulk of our issues. They are the ones that refuse help most of the time. So we need something to give us power. As it stands right now, I think we have an advantage over Oahu because that situation

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got out of control really quickly and so they're doing a lot of work trying to catch up to clean up the issue. It's we're at a point where it's not that bad yet so we can address it so it doesn't blow up into that issue into such a big thing.

CHAIR VICTORINO: Okay. Anything else?

COUNCILMEMBER COCHRAN: No. And I agree. And I mean in Lahaina I've seen this issue from the '60s through the, I mean all the years I've been growing up there. And of course you have the no-loitering signs. You know take for example library park right in front of the harbor, there's always been people there from back in those days. Yes, it got a lot worse and you have the people dealing drugs there and, you know, but there's...so that was a way for enforcement to come in, and now we're putting more presence there, cleaning up the area and making it like yeah, people care. So they just got shuffled down the street or somewhere else to go do what they've been doing, if they haven't been arrested and put in jail. So it's been ongoing, it has grown, you know, exponentially throughout the decades. But so I understand that you folks want your tools. It's just this one for me there's just a fine line between yes, the vagrant illegal-type activities versus someone who just simply is, you know, disabled, mental illness challenges, what have you. So I think we'll in one fell swoop catch people who truly need help versus the people who are truly being criminals, you know, being a criminal element. So I, that's my difficulty here.

CHAIR VICTORINO: Thank you. Ms. Baisa, go ahead.

COUNCILMEMBER BAISA: Thank you, Mr. Chair.

CHAIR VICTORINO: And then followed by Mr. Couch.

COUNCILMEMBER BAISA: Chair...

CHAIR VICTORINO: Oh, you had something else you wanted to respond, mister, Deputy Chief Ramos? I'm sorry.

MR. RAMOS: I did. Thank you. Whenever we get called for...let's say this thing takes place, this amendment is passed, this ordinance is passed. It's not going to be automatic that we're going to arrest them, we're going to issue a citation to them. We will work with them to move them along. This just gives a little bit more teeth to what we're going to do, a little bit more tools. So it's not automatically it's going to be applied to them, a citation or whatever the case may be.

COUNCILMEMBER COCHRAN: Okay. Thank you, Chief.

CHAIR VICTORINO: Okay. Ms. Baisa, go ahead.

COUNCILMEMBER BAISA: Thank you very much, Chair. Chair, I think the reason why we're sitting here discussing this kind of a law is because people are blocking public access. You know I have very much sympathy, as you folks know I'm the bleeding

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heart with people that need help, but there's a difference to me between people that need help, want help, are looking for help and try to cooperate. You know you could lie down or you could sit down someplace, but to sit down in the middle of a sidewalk and block people from passing by, you know, you might even be blocking a person who's in a wheelchair and, you know, an electronic, an electric wheelchair. They cannot get around you because you're sitting in the middle of the sidewalk. Well, could you get a little bit off side and, you know, get out of the way so that they could get by. I mean, you know, this has to be a cooperative thing, and I don't think that any of us want to harass people or, you know, not allow them to be somewhere. But do you have to be in the middle of a public sidewalk or a public access where you're causing a problem? And, you know, the kind of stuff we heard this morning where you have a whole group of people that are drinking and blocking the sidewalk and making comments to the people trying to get by, it becomes scary. You know maybe because we're women and we're more afraid of dealing with a bunch of drunks--I'm sorry--or people on substance or whatever. I would avoid that, I would be afraid. And, you know, they say all kinds of things that feels threatening to you and so you're afraid to go by. I don't want us to make this across the board where anybody's lying or sitting is in trouble, but I am concerned about where they're sitting. Sitting on the sidewalk is kind of scary, because sidewalks are there for people to go up and down and could be children, could be anybody going back and forth. And I see we have an exemption in this law that says any person who is unable to comply due to a medical condition or emergency, so if you were sick and you had to sit down or lie down or whatever, they're not going to go after you because you have a medical condition. Also, it addresses the ability of people that want to protest, you know, who are protesting something to sit or stand and express what they have to say, in that way it's exempt. So there's some exemptions in here that I think address some of the concerns. But I can understand the frustration that people have about people blocking public access and being in the, you know, where people cannot get around you. And we see it in Honolulu, the whole sidewalk is covered, and it's a whole block that's covered up with tents and whatever. Thank God we don't have that on Maui yet but it could happen. It could happen here. And so this really tears me apart, because, you know, I'm really concerned about people's rights, and I understand people are homeless, and part of it's our fault because they don't have any place to go and we don't have any facilities to accommodate. But like the Chief says, there are people who given the opportunity don't want it, they don't want to go to the shelters, they don't want to go to wherever they have to go, because they like the lifestyle that they live. And I can tell you I've had them in my family so I know this is true. They just choose that lifestyle, they want it. So it makes it very hard for us to make laws because we have these extremes. We have people that really need help like our families and, you know, people that lose jobs and this is temporary. And then we have those who want to live that lifestyle, and we're trying to address it with one piece of legislation. It's very, very difficult. And we're going to sit here trying to decide, you know, how far do we go which is not easy, because we're all human beings and we all don't want to hurt other people. But we have to protect rights also. I think that we have rights to walk down the sidewalk safely and not be afraid, and I worry about our children, they should be able to walk from school or wherever they're going without being afraid. So, Chair, this is a tough one, and, you know, I haven't decided one way

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or another, but I'm glad we're sitting here talking about it because the more we talk about it the more we understand it. Thank you.

CHAIR VICTORINO: Thank you. And, you know, it's like everything else, if it wasn't tough, it wouldn't be here. Okay. So, you know, it's part of our responsibility. Before I recognize you, Mr. Couch, I want to make sure that we understand that under Section 8.36.020 under Prohibition, we are and I will be bringing up areas of Kahului, Kihei, also Baldwin Avenue, Hana Highway, Market Street, Front Street, and other areas in Wailuku, Lahaina, South Maui, as well as Central Maui which are prevalent areas which these issues come up when you're talking sidewalks. When we're talking sidewalks yeah, because these are the areas where sidewalks are prevalent. You won't find too many sidewalks in Hana and some of these other areas, although you may, right, Mr. Carroll? You may find some but not as many yeah. So anyhow, Mr. Couch, go ahead.

VICE-CHAIR COUCH: Thank you, Mr. Chair. And, you know, it's been commented before in, especially in testimony and whatnot that there are no services. We actually do have services, it's just not enough at this point. Not enough shelter, not enough...and because everything has expanded...increased a lot since, in the last, you know, five or six years. So we're of course trying to play catch-up. But one of the things and I think Chief Ramos alluded to it a little bit is I don't think we're going after the homeless per se, it's the behavior. It's okay to...I mean it, you know, being homeless is very difficult, but if you're not, you know, being aggressive to residents or even other homeless, if you're not as it talks about in the public nuisance law, if you're not being a nuisance to the public then that's not an issue. And I think the Chief said that that's their intent is they'll let them know hey, that that kind of behavior is not acceptable. You're okay to do what you're doing if you don't affect other people's rights. I think that's where we're going. And we had some heartfelt testimony too and in writing as well about, you know, these folks are people too and yes, they are. But if I were to go out there and start shouting and yelling at people on the sidewalk or not letting people pass, it doesn't...you know and I've got a place to live, that's, that shouldn't be allowed as well. Or, you know, a group of 15 of us sitting on a, in a street just being obnoxious to people, that shouldn't be and I don't think it is allowed in some of these things. So this is, I can see that this is going to be a tool that the police can use if necessary, not they will do it every time. Because the whole idea especially with, you know, in all our other laws is we want to get compliance, we try and get compliance. If somebody doesn't want to comply then we can move on to the next step. That's where I think...yeah, it's hard to draw the line, but I mean it's pretty obvious and certainly in South Maui and I'm sure in all the other places where they're happening, it's pretty obvious where, okay, these guys are fine, these guys are causing the problem. So I'm okay with doing this but only, you know, with the assurances from the Department and from the legislative intent is that we're trying to get the behavior, not the homelessness. Thank you.

CHAIR VICTORINO: Ms. Crivello?

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COUNCILMEMBER CRIVELLO: Thank you, Chair. I have a couple questions I guess, first of all for the Department. We funded two positions, new positions in your Department. Is any of that position will be dealing with the...will it be a homeless specialist of some sort?

CHAIR VICTORINO: Ms. Reimann or Ms. Shishido? I don't know who wants to answer it.

MS. SHISHIDO: Thank you, Chair. Thank you for that question. Just FYI, I think I said it, I stated in my opening statement that the positions are now open and so the recruitment is going, ongoing. So that, Councilmember Baisa, it is on the move, the positions. So applications are being received and it'll close November 15th.

COUNCILMEMBER CRIVELLO: Excuse me. But what --

MS. SHISHIDO: So when the...

COUNCILMEMBER CRIVELLO: --is the intent?

MS. SHISHIDO: So the intent of these two positions is to work with the homeless agencies to be able to better coordinate. And so right now we're in the process of looking at a Coordinated Entry System where this Division would help us coordinate with the services to be able to utilize or to move forward the Housing First Model. And this Housing First Model, the reason why County is going to be involved is because in order to create a collaborative effort to house the homeless, it's going to be, it's going to take sort of like a subjective entity to be able to say these are what's happening with this person, I think it's better to house them here. Let's look at their scores and see if there's a better...it might go to Mental Health Kokua to house them, it might go to Steadfast Housing to house them. It might be even to look at transitional emergency housing for --

COUNCILMEMBER CRIVELLO: So --

MS. SHISHIDO: --Ka Hale A Ke Ola.

COUNCILMEMBER CRIVELLO: --Ms. Shishido, so at this time, then the entities that are available to have these entry for the homeless are not able...are not outreaching enough and this is why we're coming up with this specialist and some sort?

MS. SHISHIDO: Yes and no. Right now there is no coordinated entry system on Maui. Two years ago it started, and correct me if I'm wrong, Gavin, but two years ago a coordinated entry system started on Oahu because they got the funding. As for Maui, we are in the process of getting training. We are being...going to be trained by the author or the person who actually developed what we call a VI-SPDAT. It's a vulnerability index in order to prioritize where does the homeless belong. So it's a scoring kind of a survey.

COUNCILMEMBER CRIVELLO: Right.

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MS. SHISHIDO: And then from there, we'll look at what the scores are, the higher the score, the more need there'll be and the more wraparound services that would, that we would need to provide for this homeless.

COUNCILMEMBER CRIVELLO: Thank you. And the reason I ask that is because I think these so-called policies that we'd like to...we're dealing with the symptoms and not with the problem. We're...as opposed to the attempts that would come out from this new positions will be able for us to address problems, because too often we deal with the symptoms, give them the pill and then...but you don't solve the problem, we're just addressing the symptoms. And I too cannot see us...can you see the officers constantly responding to this kind of conduct that I think puts them in an awkward position also, but I know they want more teeth and more meat to bite on. But for me it's they...whether or not we want to make excuses, for whatever reason there's a problem why, maybe one is mentally challenged or just cannot afford or just not in the proper stage of mind to make the right decision. So I can hope that this level of coming from the Department of Human Concerns will start addressing the problems and then get into the entities or the facilities that will at least try and case manage. You know I think to me that's a more make-sense approach. You know if someone is sick, do you just automatically lock them up or what have you? And that's going to be costly too, I mean even for our law enforcement people in my opinion. So, Chief, I ask you, could any of this be in relation to disorderly conduct which is probably something in the books already?

CHAIR VICTORINO: Chief Ramos, please?

MR. RAMOS: Thank you. Yes, we've actually responded to a number of cases related to vagrants, I mean statistically over 5,000 within the past year. So we do apply the rules and the laws across the board. But we're looking at issues where they are camping out in public areas, business areas, and that's what we're looking at.

COUNCILMEMBER CRIVELLO: Okay, thank you. Also too, Chair, you mentioned about we do have the sidewalk offense in Market, on Market Street. I thought with our funding for the community police there's been some improvement?

CHAIR VICTORINO: Definitely. The community policing program has done a marvelous job in the Wailuku area, especially Market and Vineyard Street, those two particular areas in helping to move the homelessness people out of the area. They still congregate up further on Church Street, they still congregate further down on Central and in other areas, but in that particular area, our policing program, the ambassador program if you remember --

COUNCILMEMBER CRIVELLO: Yes, you're right. Yes.

CHAIR VICTORINO: --we funded has been very successful. And the merchants as well as the residents who traverse this area have been very pleased with that result. Something else that we may look in our toolbox is having in the Kihei area, in

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Lahaina, maybe these ambassador programs can be expanded to these other areas. I don't know all the answers but I can say for Wailuku that has been somewhat successful; however, it's not moved them out of the area, it just moved them further out for which again, the problem as you said, the root of the problem is we need housing, we need facilities. I think Mr. Couch also addressed that same...and Ms. Baisa addressed the same situation. Unless we build things to take care of them we're still going to have this problem. We're just moving them from one area to another. And so but again, let's...and I'm going to take us back to the focus area. I think what we're trying to do here and what the Mayor is trying to do here is really give the police a little more ability to take care of these situations when necessary. Now some of them are covered in the laws we have existing but not all of them. So I think that's what we're going to be discussing as we move through the rest of the other four bills. So you have any other questions, Ms. Crivello?

COUNCILMEMBER CRIVELLO: Not at this time, Chair. Thank you.

CHAIR VICTORINO: Thank you. Any other questions from the Members? And I'd like to recognize the presence of Mr. Guzman, our Vice-Chair.

COUNCILMEMBER GUZMAN: Thank you, Chair.

CHAIR VICTORINO: Yeah, thank you. Any other questions on this particular area, the sidewalk bill? And I'll use that term if you don't mind, that'll make it easier for me. Mr. Hokama? Or should I say Dr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, for myself --

CHAIR VICTORINO: Yes, sir.

COUNCILMEMBER HOKAMA: --and I believe the Members have stated some very good positions. For me, hearing some of the earlier comments of the panel, I would ask you then, particularly from Prosecuting Department, turn in comments on what they believe should be either amended in the proposed ordinances that would make it more solid, I guess, in a judicial arena. If Mr. Kim has ideas on how to improve legislation to address some of his areas of concern or enforcement, I think that is something we should be asking him for comments on. In general, Chairman, I just see this in a very narrow view. This is a, one component of many pieces to address this large issue. Okay. I understand there's a construction component for units. I understand there's a financing component which is critical and at this time undetermined about the amount of resources available and who's going to pay the bills. I am happy to see all this wonderful things from the Feds about Housing First and do this, but I don't see it attached with Federal dollars so do they expect the County to pay for everything? I haven't heard whether we get any benefit. And second, and finally, Chairman, I know others have their points, but for me, I will not allow a minority of the community influence overtake the majority of the community. We still have a role to protect the greater majority of this community. Okay. I think we need to continue to bring forth in our education of this critical issue, two things that I grew up with was respect and

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responsibilities. We gotta get away from this me, me, me and I, I, I mentality. I've heard a lot about we shouldn't do this, you're making it a criminal act, you shouldn't do it. Nobody has asked us or told us then look at this in this manner, or what about this. Easy to tell us what we shouldn't do. I'm looking for those that can say why don't you look at this then. I'm open to other options. But I will not sacrifice the safety of the greater community, 'cause I think we have an obligation to serve them also. And there has to be the ability to understand you have responsibilities for actions done and taken, whatever your reason, mental concerns, physical concerns, spiritual concerns, you still have to take responsibility. That is a healthy society and community, Chairman. Not to say well, forgive me, I get this, this so excuse me for my bad behavior. I didn't grow up that way. If that was my choice, I have my responsibilities to take care of that choice. I don't expect others to do it for me or to pay it for me. So I see this again, Chairman, like I say, in a narrow view of one component of many pieces to deal with this issue. And in general, I'm very supportive and can push this out if you ask me to this morning.

CHAIR VICTORINO: Thank you, Mr. Hokama. And thank you for your manao. And, you know, I'll say in this manner, I agree that this society today, we have a lack of responsibility by those who do what they do, who choose to do what they do or choose to be what they are. Now sometimes it's not, sometimes you fall into these things, and we're here to help them get out. We've always had an ability to help those who are in need. But like Chief Ramos mentioned earlier and some others have mentioned earlier, when they choose to do this, when they choose to live like this, now what happens? You know again, giving enough facilities for the, our veterans for example, and this Thursday there'll be a Stand Down in, on Puunene at the armory to help our veterans. And many of them are homeless and we're trying to find them to get them out. Those definitely need help, those deserve help. They have served this country and we should be able to help them get back on their feet. But there's others and I don't know where the answer lies. I wish as a Christian and as a human being, I feel one way, but then I listen to Ms. Schulenburg and Ms. Wagner and others, and my wife included and they don't feel safe on our streets. Oh, that's another problem, you know. So it's really torn. And I don't know if this will answer all the questions. This may be one. Again as stated earlier, put another tool in the toolbox to help our police and our different agencies handle these problems. But yet on the other side and I'll call on Mr. Kim in a few moments about the enforceability. If we do something and we arrest or we charge somebody with something and they cannot prosecute because of unconstitutionality, where are we going with this? I don't know. And I wish I had an answer, I wish I had the silver bullet or the magic bullet to solve all of this, Mr. Hokama and all of you. But that's why we're here, let's see what we can do today. Let's see what we can bring forward. And I know, Ms. Shishido, you've been chomping at the bit to say something. Go ahead, Ms. Shishido. Sorry.

MS. SHISHIDO: Thank you, Chair. I wanted to address Councilmember Hokama's question about funding and how are we paying for, you know, a lot of the things. Does it come from only County? Well, I just wanted to let you know because we were close with the Homeless Program Office with the Department of Human Services, they are our collaborative applicant who helps us get grants going into the, our three islands, Maui

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County, Kauai County, and Big Island. Just to let you know, I kind of touched upon the coordinated entry system and the funding that is coming for this training is through the Homeless Program Office which is part of our training portion of our funding from the office. So yes, we are, we do have funding, and I know there's going to be other funding coming in, in order to help us with our, with the coordinated entry system. Thank you.

COUNCILMEMBER HOKAMA: Thank you very much, Chairman, for letting the Deputy respond. And if your, whoever you choose to respond to the question I posed, Chairman, I bring that up because I find it interesting we already had Corp. Counsel sign off on form and legality on those proposals. So I'm very concerned about Mr. Kim's comments about enforcement. Thank you.

CHAIR VICTORINO: Okay. Well, at this point, Mr. Kim, would you like to address Mr. Hokama's concern? And we're still on the sidewalk but I guess your concerns would be further than that issue. So I'll let your concerns be general in your response. Mr. Kim?

MR. KIM: Well, under...

CHAIR VICTORINO: Yeah, you have to speak in the microphone please. Thank you, J.D.

MR. KIM: Under the proposed ordinance, it's a general ordinance and so I believe at this point in time if it's not anchored in place and time with the prohibitions, it'll be unconstitutional. This is given my opinion from one week of...actually I got this information about a week ago and started my research. I did send an answer through our Mayor to the Chair of this Committee on Friday and there's very short answers and pretty cryptic. So I haven't completed or my Department hasn't completed enough research to actually fill in the blanks. Now, as far as lying down on the sidewalks or people sitting on the sidewalks and drinking, in just this short time while I was going through the statutes, the Hawaii Revised Statutes, there is a statute called obstructing, and so if a police officer comes by and asks you to move along and you don't give a person more than 36 inches where someone can walk around or there's a complaint that they're blocking the sidewalk, public sidewalk, they can be arrested and prosecuted for a petty misdemeanor. Okay. As far as the first question I was asked by this Committee regarding to urination and defecation in public areas, we could prosecute that probably under disorderly conduct under 711-1101(d), if and only if a court finds that doing so created a hazard or physically offensive condition. As far as prohibiting alcohol in public areas or public property, that would be going the way of City and County of Honolulu where there's no alcohol allowed in any of their public facilities unless you get a special license. We do not have a public intoxication law which would greatly assist law enforcement. And that would not only include alcohol but all types of drugs. I addressed number three. As far as number four, it's possible to under our current theft statutes to prosecute a person who steals a shopping cart. Now whether or not we have probable cause for a police officer to approach anyone who's pushing a shopping cart that is obviously say it's from Costco or Target or Longs Drugs, he has to have a reasonable suspicion and the only way

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they can get that is if there's a complaint by these stores saying hey, we got our shopping carts stolen, we want them back. And normally that would take one of their managers or one of their employees to go out on the road and say this guy doesn't have permission to have our shopping cart. We don't have any paperwork to say that this person actually bought a shopping cart from our store. And so they can't just approach any John Doe on the street pushing a shopping cart 'cause they "believe it was stolen." You need a complainant. And in my years in prosecution, we had very few of those complaints. And as far as aggressive solicitation, under our statute of harassment, Hawaii Revised Statutes, it's a petty misdemeanor to harass anybody. So once there's an aggressive communication made and the recipient says look, I don't want, you know, don't talk to me, leave me alone, get away from me, and it continues, and if the recipient believes that that person is either going to intend to do bodily harm or cause damage to the property of that recipient or another, they would be guilty of harassment. So we do have some laws and we have a bunch of laws, it's just that you need an encyclopedic memory to figure these things out.

CHAIR VICTORINO: Is that it, Mr. Kim?

MR. KIM: As far as the...

CHAIR VICTORINO: The general, yes.

MR. KIM: Yeah, the proposed ordinances.

CHAIR VICTORINO: Okay, thank you very much.

MR. KIM: Oh, just one other thing.

CHAIR VICTORINO: Okay, go ahead, Mr. Kim.

MR. KIM: We, the County has lost their Forensic Coordinator from the State Department of...the Mental Health Department two years ago, and it has not been filled. It's taken the State...they were going to fill it and then I think a year ago, that person moved on. And so we have not had in this County, a Forensic Coordinator to assist law enforcement to divert those people who are in need of mental health treatment from those who are actually committing crimes. And that's an issue that if we wait for the State to address, we're going to be sitting on our hands. We might want to think about finding a Forensic Coordinator to do these evaluations for people who get arrested.

CHAIR VICTORINO: Are you done, Mr. Kim?

MR. KIM: Back in 1982 when I first started law school and this was in Philadelphia, the flood gates to the mental health institutes were opened and so Philadelphia was inundated with homeless, because the Supreme Court had ruled the State cannot hold anyone against their will based on their mental illness unless that person is a danger

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to himself or danger to others. And that's been the standard throughout the country. And so we cannot...

UNIDENTIFIED SPEAKER: . . . *(inaudible)* . . .

MR. KIM: Well, that's a problem.

CHAIR VICTORINO: If you could, if there's a question specifically for what Mr. Kim is discussing then please let us recognize, not just speak out, okay. I'd like to keep decorum and so that...and also we want to make sure we record all the questions and responses please.

MR. KIM: Okay.

CHAIR VICTORINO: Okay, Mr. Kim, go ahead, continue.

MR. KIM: No, I apologize.

CHAIR VICTORINO: No, no, no, no. And I just asking the Members if they would be recognized, that way we get it on record. Mr. Couch has been raising his hand three or four times so go ahead, Mr. Couch.

VICE-CHAIR COUCH: Thank you. Two things, one on the shopping cart thing. If the Department or the Prosecuting Attorney's Office--probably the Department--got a...from any store that has concerns is a blanket complaint saying hey look, we don't sell, we don't give away our shopping carts, if you see them on the street, consider this a complaint that they're stolen. Can that help? Because most of the, you know, 99 percent of the time, that's the case. Would that help in the shopping cart issue?

MR. KIM: Well --

VICE-CHAIR COUCH: Either...

MR. KIM: --to answer your question, yearly we get a letter or at least the Chief of Police gets a letter from property owners or commercial property owners asking the police officers to actually check out their properties while the business hours, after business hours. And so anyone found on their property when the police are doing their patrol or their door lock checks, found on the property, they have a prima facie case against that person for criminal trespass because it's afterhours. But we have to show the courts that there was probable cause to approach this person and reasonable suspicion that a crime was being committed. And we don't have those types of documents from the commercial people who have shopping carts.

VICE-CHAIR COUCH: Well, I guess the question is if you had those documents, would that be easier, would that be considered probable cause, et cetera, if those documents were...

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MR. KIM: It would give the officer a right to come up and ask them.

VICE-CHAIR COUCH: Okay. Mr. Chair?

CHAIR VICTORINO: Yes, go ahead.

VICE-CHAIR COUCH: Chief wants to...

CHAIR VICTORINO: Chief Ramos, go ahead.

MR. RAMOS: Thank you. This is where J.D. and I disagree. I think we do have probable cause to approach someone. 'Cause you look, if you look at the situation reasonably from a reasonable point of view, you know, if he doesn't work for Safeway, doesn't work for Target, I think it's quite obvious that that's probable cause for us to at least approach them. The only issue and problem we've had with this was that in the years past, we've tried to work with retails because it costs a lot of money to purchase these wagons. So far none of them have been willing to prosecute so it leaves us with our hands tied.

MR. KIM: That's been one of the major issues with getting the manager or a representative from the retail establishments to come in and testify. Secondly would be the collection of and the storage of evidence, and so at this point in time, I don't think any of the patrol cars can hold a shopping cart.

CHAIR VICTORINO: And Ms. Shishido is raising her finger or her hand. Go ahead, Ms. Shishido.

MS. SHISHIDO: Thank you, Chair. You know I'm...Councilmember Couch, as I'm kind of looking over and look into all of these shopping carts since we're on the subject of shopping carts, many of the municipalities have actually had to go do a memorandum of agreement or understanding or some type of legislation with these businesses to say that they need to come up with some type of strategy plan or a strategic plan or some type of shopping cart plan when it comes to abandonment of shopping carts. So that's number one. I know on Oahu, I think if you pass a certain line with the shopping cart it locks. There's a perimeter, I believe it's Don Quijote, I think. But anyway, there is a way to have shopping carts lock when it goes beyond their perimeter. And yeah, that's what I wanted to say.

VICE-CHAIR COUCH: Thank you, Mr. Chair. That then brings up another question in general on what Mr. Kim said, is that we currently have laws and yes you need an encyclopedia, but you need an encyclopedia for our laws too. We currently have laws that apparently can be, I mean, enforced and used in some, in a lot of these situations. Is there any reason why I guess from the police side, why we aren't enforcing the current laws that we have? Or it appears that we aren't.

CHAIR VICTORINO: Chief Ramos?

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VICE-CHAIR COUCH: Why would we need these that kind of supplement exactly what is already on the books?

CHAIR VICTORINO: Chief Ramos, go ahead.

MR. RAMOS: Thank you. As the obstructing law that J.D. brought out earlier, we do enforce that, we do use that as a means for enforcement. But if you look at the law, it says provides less than 36 inches of space for passage on a paved public sidewalk. A lot of times these guys are around the greenway so we're looking at from curb to property line. That's what we have to be concerned about --

VICE-CHAIR COUCH: Okay.

MR. RAMOS: --and that's why this ordinance is a lot more specific than the HRS. Concerning the shopping carts, you know, it's just a matter of just right now communicating to the retail people and having them just pick it up when it's abandoned on the side. But if there's no complainant then it makes it difficult for us to pursue it.

VICE-CHAIR COUCH: Okay. Thank you, Chair.

CHAIR VICTORINO: And thank you. And, you know, one more thing I'll cover with the area of shopping carts. I know for a fact in some of the areas in Oahu and even here in Central Maui, some of our seniors take shopping carts to Hale Mahaolu and all that with their groceries or whatever they cannot carry. And then they come back a few days later and they bring the cart back or there's people that bring those carts back. So to have a perimeter, I'd be so afraid that some of our good people would be caught up in a net that we don't want to throw out there. So anyhow, that's just my take on that. And I know in Oahu a lot of seniors and a lot of people who live in condos who are adjacent to these retail outlets do use the shopping carts to take stuff home because they can't carry everything. And they're close enough to walk, not far enough for a taxi and so they do that. So again, that's some of the problems that we face when we put laws like this out there, how do we really justify and leave it in the police hands? And I think, you know, we want to give you all the tools to do this, but we want to make sure the tools are effective tools, not tools that, you know, are going to create more problems. Yes, Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. And my question 'cause I see them all over the side of the highway in Lahaina. And yes, sometimes the homeless, unhoused person has them, but at times they're just sitting there. And perhaps they used it for their purpose and then just...so where does the shop cart owner come into play here? It's part of their responsibility to go hustle them up and bring them back to their stores. And Walgreens does have that lock on their carts I know. After a certain, it doesn't go, kind of like dog shock collars or something when you hit a line. So that's... 'cause hello, I mean you see the company, Safeway, Foodland, whatever, and they're sitting on the side of the road, just sitting there, but where's that company picking them up?

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CHAIR VICTORINO: Miss...

COUNCILMEMBER COCHRAN: So I don't know.

CHAIR VICTORINO: Who are you asking a question to?

COUNCILMEMBER COCHRAN: Is there...I don't know, is there a plan with...do these shop owners, retailers understand that they have a responsibility too to go retrieve them and bring them back to their area?

CHAIR VICTORINO: Does anybody want to...Chief Ramos, go ahead.

MR. RAMOS: We can...I can assign the CPOs, our community police officers to go ahead and contact the retailers and just remind them that send someone out to make sweeps for their areas. I'm kind of smiling because it's also an opportunity for someone if you want to make money, pick up all the carts and clean them and then...anyway, that's my answer.

CHAIR VICTORINO: Somebody, an entrepreneur, yeah. Ms. Shishido, you wanted to respond also?

MS. SHISHIDO: Thank you, Chair. Thank you for that question. I just wanted to elaborate more on what Chief Ramos is saying about the community police officers, 'cause they do, they do go and hustle and they gather the shopping carts. And there is one spot on Alamaha Street that they put them in, but then yeah, the store owners do not come and pick them up. And so it becomes an ongoing where the shopping carts get filled in that one area. So I just wanted to plug the community police officers, because they're doing a really bang-up job. Oh, no pun intended. Okay. Thank you.

CHAIR VICTORINO: Thank you. Okay, I --

COUNCILMEMBER COCHRAN: Yeah, thank you.

CHAIR VICTORINO: --think I'd like to if possible move on. By the way, just to remind everyone, if you read the agenda, it also reads that there'll be no legislative action taken today. Really what I'd hope to do today is really if there's amendments, ideas, or changes that we want to make to these provisions and ordinances that the Mayor has brought forward or the changes that he has brought forward, that we would take some time and maybe by our next meeting have them definitively addressed and ready to go. I just didn't want to put something out there and then find out that we have problems. Again, constitutionality and how different laws affect us is very important. But again, we want to make sure today that we can discuss all the different items. So with no objections, I'd like to move on to the next one which is the bathroom bill which is another real touchy situation.

COUNCILMEMBERS VOICED NO OBJECTIONS

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CHAIR VICTORINO: And I see them all the time, I think all of us do. And that's why you find more and more facilities being locked up to the public which is a sad chronology. Again, I mean when I've got to run to go find the key to use the restroom, I'm not particularly happy just because they don't want others to use it that they don't feel deem not worthy of it, and I think a restroom should be open to everyone. However, on the other side I do see the problem where they go in there and they take a bath and they make the place a total mess. And in fact even makes it dangerous for people who enter the bathrooms, especially our parks. Our park caretakers constantly remind me that they go in and they clean up, and then an hour or two, they come back and it's trashed. And it's not just homeless so I'm going to state that. It's just other people who use it have, like you say, Mr. Hokama, lack of respect, and then they complain that the place is not clean. And I know that to be a fact. And I've been to many of our restrooms both in our parks and in our public facilities as well as private public facilities. So, Ms. Reimann or Ms. Shishido, would you like to address that first? And then we'll open it up to discussion for...or, Mr. Rowe, do you have something you would like to add as far as the bathroom or restroom facilities? Nothing? Okay. Ms. Reimann? Ms. Shishido?

MS. SHISHIDO: Thank you. This is one of the many of the five that are...the anti-nuisance laws that are being put before you. And I think like many of you, it's our community that needs to be more responsible and respectful. Because I get calls almost every day in regards to neighbors defecating in their yard, in regards to actually witnessing people, not homeless people defecating in the parks, and it's getting worse and worse. So it is quite a situation here, and I think we need to really protect not just our community but we have to really realize the health and safety of our community. Thank you.

CHAIR VICTORINO: Thank you. Yes, Ms. Baisa, I'll start with you.

COUNCILMEMBER BAISA: Thank you very much, Chair. I'd just like to piggyback on what Deputy Director Jan has just shared with us. You know this thing about defecating in the park, you know, we have a serious problem here. We want to make a law but yet the people need to go and there's nowhere for them to go. Am I not aware of some facility that is available that people are not using? Everything I know of gets locked up at a certain time; however, one's functions don't stop when things get locked up. So unless we find a way to deal with that and we have a plan to have public restrooms or whatever somewhere that's handy, how are we going to deal with this? We can make a law but if you need to go, you need to go. So I don't know how we're working with that part of it.

CHAIR VICTORINO: Does anybody want to take on that question? Mr. Thornton, you've been very quiet, so go ahead.

MR. THORNTON: So, you know, one way is just to not lock up restrooms at public facilities. And then I think there are other jurisdictions that have adopted laws where public businesses are required to, like if they serve the public they're required to allow public

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access to their restroom. You know there are also jurisdictions, including Honolulu that are looking at creating hygiene centers that allow, you know, public accessible bathrooms. But you're not going to be able to create enough of those to...I mean people shouldn't have to walk ten miles to use the facilities. So those are a couple options. I'm actually not sure whether there's a law in the books regarding public businesses requiring to make their restrooms accessible. I'm guessing not. But that is one potential option.

COUNCILMEMBER BAISA: You see my fear is we can pass this law, but how are we going to make it work? If people need to go, they need to go. I would prefer they didn't go on the sidewalk, but, you know, they're going to have to go somewhere. And if there's no facilities, well, how does this work if you take this...if you prosecute them, what happens?

MR. THORNTON: Right. Another thing that I was thinking of that you could do is in addition to the list of exceptions, there are a few exceptions in the law, you could have one that says, you know, if there isn't a publicly available facility within however, whatever distance then it's not an offense. That's a little complicated because, you know, figuring out what the zones are and for people to know where they can go if that's not readily apparent is an issue, but one possibility maybe.

CHAIR VICTORINO: Well, I, you know, I thank you for that and I hope one day we can get to that point. I think the problem needs to be addressed is we shut down all our Parks and Recreation as well as other public facilities generally at 7:00 in the evening and don't reopen them till probably 7:00 the next morning if I, you know, I may be off by the timing. But so there is a definite challenge for our needy to find somewhere to go and, you know, take care of their needs. Most of the businesses shut down 9, 10, 11 o'clock so they're closed. So where do they go and how does this law affect them is really a challenge. I agree with you, Ms. Baisa, it's a challenge, and we don't just have those kinds of facilities open. And so I think that's important. Before I recognize you, Ms. Cochran, I'm going to recognize Mr. Couch 'cause he's had his hand up first, and then Ms. Cochran. Go ahead, Ms. Couch...Mr. Couch.

VICE-CHAIR COUCH: Thank you, Mr. Chair. Yeah, I know we, at one time we had the bathrooms open.

CHAIR VICTORINO: Yeah.

VICE-CHAIR COUCH: And they got vandalized essentially or got really messed up. So, you know, it might be a situation where we might be able to leave them open and just deal with having to clean them up. It's unfortunate that people don't respect public facilities, you know, of any kind, but that is the reason why they were closed down. Because as Mr. Victorino said, it was just making a huge mess. I know the City of Portland has these metal ones that they open up and you can go in there, and then after you leave, it gets all washed down every time, something like that. I know that's expensive but somewhere along the line we have to put up with some sort of expense, whether it's leaving the bathrooms open at the parks and just dealing with it every

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morning. It's even a health hazard sometimes and a lot of times they'll, they used to break the toilets and rip the sinks out. It's just amazing, when you try to provide for the public and that kind of stuff happens. But these metal things, they're pretty indestructible and I guess they're very effective and very well used, so maybe that's something we can look into. But with what Mr. Thornton said that if you're within so much distance from some sort of facility and you still defecate in public, whether you're homeless or not, that's, it should be...I mean it's a health hazard. It's a very big health hazard. And we're here, you know, we have to make policies to provide for public safety. That's one that's pretty important. So I would be supportive of this but we have to figure out, you know, where we're wanting to spend the money either in the existing facilities or making new fairly indestructible facilities. Regardless, I think most of us need to use the facilities right now, if, Mr. Chair, if we could get a break after Ms. Cochran?

CHAIR VICTORINO: In fact I was gonna say, before I recognize Ms. Cochran, if that's okay, Ms. Cochran, hold your question, okay please, and then we'll take our morning break and ask everybody to be back by, and you know, please be back by 10:55 so that we can get going on this, because, you know, time's running real quick and we only have another hour or so. And I don't know if we'll have all the answers to all the questions answered, but let's try to see what we can accomplish today. So this meeting stands in recess. . . .(gavel). . .

RECESS: 10:44 a.m.

RECONVENE: 10:56 a.m.

CHAIR VICTORINO: . . .(gavel). . . The meeting of the Policy and Intergovernmental Affairs Committee will reconvene, and I left off with Ms. Cochran.

COUNCILMEMBER COCHRAN: Yes.

CHAIR VICTORINO: You had a question so go ahead, Ms. Cochran.

COUNCILMEMBER COCHRAN: Yeah, thank you, Chair. I guess question, comments. But this one is...of course none of us want to see this occurring in public places or anywhere. But I think we've all touched on it that there needs to be the facilities for people to go to. If there isn't anywhere to go, they're going to do it where they have to. And for starters, I can speak to Lahaina in particular and Kamehameha Iki Park is one of them. And I've asked Parks for one of those trailers to be put there, even Porta Potties or something, because now yes, you're having the public...sorry, 505 Front Street, I believe they locked up their bathroom that used to be open to the public, and places like Foodland Farms has locked theirs up, Whole Foods even. So these generally public places have shut their own personal restrooms for the, for their customers actually to use. And Porta Potties maybe; maybe cameras in our bigger and public facilities to capture the vandalism occurring, criminal activities occurring, and I think, you know, neighborhood watch type of thing. And in Lahaina I know...thank you for the community police relations there, collectively as church and other

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residents in this one block area have come to together to try and address these issues we're talking about in all these items. But I think in overall, Chair, I think we have enough laws on the books personally. But to get to the root of the reasons and solutions to address every single one of these is the bigger, pricier, deeper discussion. But I think unless we tackle that part of it, all these little rules are as we stated earlier, Band-Aids. But I think for starters, facility at Kamehameha Iki would definitely help this situation in that area. And somewhere mid Front Street, and I'm thinking that area between--what is that?--Fleetwood's now, Fleetwood's and Serendipity on the corner. I believe somewhere in there maybe, another one of those trailers or something for public usage, and those are just something I think that could alleviate any of this type of actions, so.

CHAIR VICTORINO: Well, I think you can say that for every community...Mr. Couch...and I'm not going to start that. Okay. And I don't want to get into telling us where you think we should go because I want to keep on general right now because before we get into your specific areas. And please, our time will run out. But I wanted to bring up one more point as far as these public restrooms in, on all aspects even to the point where we could assist in the areas of private restrooms being available to these individuals and, you know, making sure that they could help more in the area of helping us public relation-wise and as helping the public, these private restrooms being able to be open at certain hours of the day so that that would alleviate the problem also or at least lessen the problem...not alleviate, lessen the problem. It's not something that we're going to solve today. But anyhow, thank you for your comments. But I want to go specific to questions and I guess maybe now try to keep the commentary down. So, Mr. Couch, you had something you wanted to add? No? Oh, I thought you had raised your hand. Okay. All right. So when it comes to the restroom or bathroom item, again, you know, I think we all agree that unless we can find some areas for these people to be able to utilize 24/7, it's going to be real difficult to enforce the other ones unless it is, you know, blatant and just, you know, someone trying to act out. So if the Prosecuting Attorney and the Police Department doesn't have anything else to add, I'd like to move on to the next one which would be the liquor. And again this is very broad, but again, I'm going to turn to Mr. Kim. Because I think this is important, the legislation that was sent down to, from the Mayor as far as liquor consumption and banning that. I know in most of our parks, we've either banned liquor consumption, and like the one testifier mentioned today that yeah, it's banned from certain parks but yet after softball games, after other events, you see the people sitting in the corner and having their brew. And I can tell you that's true all around this County, not just in Kalama but all of our parks. And of course the police have no time to run around and enforce every law and be out there every day. So if we selectively go after this group of people, again, I think that would be very unfair. Yet on the other side, how do we protect the public, you know, in keeping them from consuming liquor on the...or gathering in crowds like they do in Kihei and consume liquor and be a, you know, have a party, if you want to use that term, yeah? So again, Mr. Kim, would you like to respond to the liquor bill, for less of a better term for, from that one, for...go ahead.

MR. KIM: Thank you, Mr. Chair. I've read the October 31st I guess comments to these bills.

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CHAIR VICTORINO: Yes.

MR. KIM: And we've banned drinking in our public parks' parking lots. There's certain parks that you're allowed to drink and then all of our community centers. So I commented that we would rather bring cases against intoxicated by alcohol in public areas or intoxicated by any type of compounds so instead of just doing a complete ban of alcohol in all public areas.

CHAIR VICTORINO: Okay. Chief Ramos, do you have anything you'd like to add?

MR. RAMOS: Thank you. I'd agree with J.D., if we can get some kind of internal possession law, that would really help us out. A lot of the large municipalities in the mainland, that's what they have. But along with that, there is facilities though, you know, you have to talk about that. But that would be a huge start to address that specific issue for people that are walking around intoxicated, either alcohol or drugs.

CHAIR VICTORINO: Okay, thank you. Go ahead, mister...I know you...I was going to ask the same question but go ahead, mister...I'll let you, Mr. Couch, ask the question.

VICE-CHAIR COUCH: Thank you, Mr. Chair. Yeah, we had an item about public intoxication, you know, maybe three terms...two terms ago, and one of the things we tried...we looked at when doing the research on that, there's a lot of municipalities that are going away from public intoxication because of the...we don't want people to drink and drive. So, you know, what do they do then? Do they walk home drunk or do they get a ride home? And while they're out in the, waiting for their ride, they're in public and intoxicated. So there were a lot of concerns about the message we're sending and how that would get enforced. So bearing that in mind, is there anything that we could do with this legislation or something like this for public intoxication? 'Cause right now there isn't really a public intoxication law, at least on the Maui County books. Any thoughts on that?

MR. KIM: Mr. Chair?

CHAIR VICTORINO: Mr. Kim, go ahead.

MR. KIM: Whether or not they're possessing or consuming in public alcohol and get arrested and charged with a violation, that's up to this Council. And all I did was comment on that you can pass a complete ban in the County and make it a dry County.

CHAIR VICTORINO: Mr. Couch?

VICE-CHAIR COUCH: So currently right now if somebody wanted to have a bottle of beer and walk down Market Street, that's legal?

CHAIR VICTORINO: Mr. Kim?

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MR. KIM: I gotta go look at 2.81, the prohibitions involving alcohol, but I don't think so.

VICE-CHAIR COUCH: So then why --

MR. KIM: Well, I can't --

VICE-CHAIR COUCH: --would we need this...

MR. KIM: --really answer that at this point.

VICE-CHAIR COUCH: Maybe mister...or Chief Ramos?

CHAIR VICTORINO: Chief, if you would like to respond to that?

MR. RAMOS: I would, thank you. I have to look at that law, I have to see what it...it's been a while since I looked at it. But looking at this ordinance, if you can...if it applies to the sidewalk itself then I can see this ordinance moving forward.

VICE-CHAIR COUCH: Well, there was also concern on this, you know, a street that doesn't really have a concrete sidewalk. So you're talking the Public Works' definition of sidewalk from curb to the property line?

MR. RAMOS: Yes.

VICE-CHAIR COUCH: Okay. What about in the street? It sounded like on one of the streets, the neighborhood streets there, they were talking they were actually in the streets as well. Is that something that can happen...I mean is that against the law now or do we need to add that to this?

MR. RAMOS: To that, look into that a little bit more.

VICE-CHAIR COUCH: Thank you, Chair.

MR. RAMOS: So right now I'm not prepared to answer that question.

VICE-CHAIR COUCH: Okay.

CHAIR VICTORINO: Okay, thank you. Yes, Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. So currently the parks, technically the park area that we prohibit drinking, and then I guess if they go ahead and move into the parking lot, it's okay to drink in the lot itself but not on the grassy park area. Is that...

CHAIR VICTORINO: Okay, hang on. Hang on, Mr. Couch.

COUNCILMEMBER COCHRAN: Mr. Ramos?

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CHAIR VICTORINO: Yeah, Chief Ramos.

COUNCILMEMBER COCHRAN: Chief.

MR. RAMOS: It is illegal in the parking lot as well.

CHAIR VICTORINO: Yeah.

COUNCILMEMBER COCHRAN: Oh, okay. So collectively the County grounds, parking lot, park area --

MR. RAMOS: Correct.

COUNCILMEMBER COCHRAN: --illegal. Okay.

CHAIR VICTORINO: Yeah, it's all illegal. And however, again, I repeat that it still happens and I see it --

COUNCILMEMBER COCHRAN: Oh yeah.

CHAIR VICTORINO: --and you see it, and we all see it --

COUNCILMEMBER COCHRAN: Yeah.

CHAIR VICTORINO: --you know. And again, I don't think Chief Ramos...I think Chief Ramos will agree with me that it's real difficult for the police to come out every time somebody says there's somebody drinking, you know. Is that correct, Chief Ramos?

MR. RAMOS: Yes, unfortunately that's true.

CHAIR VICTORINO: Okay, thank you. All right. Any more with the liquor part of this aspect? Yes?

VICE-CHAIR COUCH: If you're considering making changes based on our discussion --

CHAIR VICTORINO: Yeah.

VICE-CHAIR COUCH: --can we throw in there some language talking about unless expressly permitted under a special event permit or outdoor dining permit? 'Cause I know Kihei...

CHAIR VICTORINO: I think that's already in the laws...no, not in this, I know, but it is in, like for our community centers. You have to have express --

VICE-CHAIR COUCH: Right.

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CHAIR VICTORINO: --consent and, you know, have to get the lesser permitting and all that other stuff. In this law, it doesn't have that and so that's some of the changes I would be bringing forward, you know --

VICE-CHAIR COUCH: Okay.

CHAIR VICTORINO: --some of the other changes but to make it conforming with --

VICE-CHAIR COUCH: Yeah.

CHAIR VICTORINO: --our present laws, yeah.

VICE-CHAIR COUCH: Okay, thank you.

CHAIR VICTORINO: So I already got that covered but okay, thank you for bringing that up. All right, moving right along then, if there's nothing else with the liquor, shopping carts I think we killed that one pretty much already. Is there anything else we want to add with the shopping? The solicitation and I think this is the real...another one of those real issues that I have a real challenge. I mean I get hit up all the time. I go to...and I won't even mention some of the fast food restaurants, and they're sitting out there and they're asking, you know, can I have a couple of bucks to go eat. Well, my response has always been you want to eat, you come with me, and I go in and I'll take 'em and I'll feed 'em. And when they say no, no, no, I just want the money then I say you either follow me in or you don't get anything at all. And I'm sorry, that's just my style. And my wife obviously says gee, aren't you afraid, one of these days somebody might just whack you? Well, if they do, they do, and that's not something I concern myself with. But really, if they want to eat and they're really hungry, I'll feed 'em, but I'm not going to feed their habits if, you know, if you understand where I'm coming from. But again, they do solicit and some of them they're, you know, you say no, they go okay, thank you and they let it go. I know there's some that are aggressive. Chief Ramos and Mr. Kim, again, how do we address these aggressive behaviors? You know it's not just asking, you know, 'cause I get solicited for fundraisers, I get solicited for all kinds of groups out on the streets and in shopping centers and at my house, and, you know, and I got no problem with it 'cause I have gone out for many years for my children, my schools, my church and ask for money. So I got solicitation in my blood. But when you say no and they become aggressive, that's I think where this is trying to address that issue, aggressive behavior. So, Mr. Kim, and maybe followed by Mr. Ramos, whichever want to take it on first. They look at each other and they shake their head.

MR. KIM: Thank you, Mr. Chair. I did answer that --

CHAIR VICTORINO: Yes. Yeah.

MR. KIM: --we could prosecute this aggressive solicitation once it's communicated by the recipient. I don't want to do listen anymore or...

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CHAIR VICTORINO: Yeah.

MR. KIM: And then if it's continued they can file a criminal complaint for harassment.

CHAIR VICTORINO: Well, I think the real problem comes up is, you know, the public itself they don't want to constantly be calling in and going to court and all that. I understand the public's perception is like hey, this our street too so I should be able to walk and if I say no, the guy shouldn't be harassing me, and if he does then the police should take some action. And I understand that you need a witness and it's not something--right, Mr. Guzman, you're shaking your head, you're an attorney--that you can just arbitrarily say okay, that happened, hey, take action, arrest that person or chase that person off. You gotta have a complaint, a formal complaint. So there's both sides of this coin, I understand. But I guess what the Mayor's bill is trying to address is really trying to stop them from harassing people through solicitation. Again, is there something better we could do? And I guess that's where I'm coming to. And Members can ask questions, but before I go to the Members, I'm going to start with you, Mr. Thornton, because I saw you shaking your head earlier. Do you have any ideas in how we could put something that this solicitation bill would be more palatable and be more, you know, what I call proactive instead of reactive.

MR. THORNTON: You know I actually don't. I mean it sounds like there are already adequate laws on the books that would --

CHAIR VICTORINO: Okay.

MR. THORNTON: --address the behaviors that you're concerned about. As far as like people are either going to report or they're not, and I don't know how you get around that problem. I mean it's humbug to have to report, people don't want to do it. I'm always very hesitant to do stuff like that, and I know that people just generally are. I don't know that there's a way around it. And in some ways, I suspect that that is a good thing, because, you know, the police...I don't know about here but I assume as with everywhere else, overtaxed, lots to do, lots of priorities. And so there's a filter there that's kind of built in.

CHAIR VICTORINO: Okay. Thank you. And again, it's one of those situations where I'm kind of looking for some kind of guidance and looking at law enforcement and in our social service areas. Because again, I want to make sure if something like this was to come forward, that it would be enforceable first and foremost and already we have laws on the books, I agree; however, to make sure that the public can feel safe, that when they're walking on the street that aggressive solicitation will not be tolerated. Mr. Thornton, you want to add something?

MR. THORNTON: Sure. I mean there may be an education component to this. I mean just informing people that this is what the law is already. Or, you know, even just having this publicized like in the media, that this law is under consideration, but it's not necessary because people can already deal with it, you already have the tools. I could see that being really helpful.

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CHAIR VICTORINO: Well, I thank you for that comment. I just think that the public and we've heard that from some of the testifiers don't feel like there's adequate...when called upon, the police response has been they can't do anything. I think that's this ineptness that they feel like, wow, I call for help and then there's nothing that can be done. There's got to be something that can be done if it is where I'm feeling unsafe, threatened, or even to the point of where my wellbeing and my health may be challenged. And so I guess that's the real crux of this situation as far as solicitation and all of these bills for that matter. Chief Ramos, would you like to add something? 'Cause I see you kind of turning. I'm watching, I've got you guys, all your body language by now, so it's taken me an hour and...or two and a half hours to get it but I got it. Go ahead, Chief Ramos.

MR. RAMOS: Thank you. And that's kind of complicated and I do agree with Gavin and the comments earlier. It's a tough one. We do definitely have laws existing on the books for us to move forward with this. And a lot of times when we have people aggressively panhandling in the intersections like you see at Zippy's or other places, we do get called and we send a patrol officer to speak to them and try and address that. If it escalates into harassment or disorderly conduct then we take the appropriate action. So that's the laws on the books right now. I think my only comment with this particular ordinance is the definition of aggressive. That's going to always come up in the interpretation of the law when it comes to prosecuting. Is it aggressive because of what he says, how he conducts himself, how he looks, how he smells? I mean all those issues are going to come up. But I don't know, I think we actually have laws on the books right now that we have to look into and see if we can...see what we can do with those laws.

CHAIR VICTORINO: Okay, thank you. Any other comments for...yes, Ms. Cochran?

COUNCILMEMBER COCHRAN: So I guess...thank you, Chair. I've been getting complaints and I think, I'm not sure if the MPD. In Lahaina you have aggressive behavior of the people who are selling products like lotions and, you know, we're going to...and yeah, selling properties and things that they are very aggressive and people get very turned off. And they feel very violated in a sense and have to walk across the street to the other side. And these are not vagrants, these are your professional very nicely dressed sales people. So I've been hearing a lot. It's tapered down, I believe those companies have actually folded because of their aggressive supposed behavior at this time thankfully. So yeah, when I saw this, I'm like that popped into my mind, not so much the others. But then I do see the ones panhandling in the malls and things which I've never really experienced before, but nowadays it's become very, very...more, it's more common, commonplace. So thank you.

CHAIR VICTORINO: Mr. Couch? Oh, before you go, Mr. Couch, Mr. Rowe had something he wanted to add. Go ahead, Mr. Rowe.

MR. ROWE: Yeah, just specifically as to your comment. This law would apply to people aggressively selling things like that. And just a little bit by way of background. There

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was a panhandling lawsuit against the County of, Hawaii County, and that only dealt with panhandling, and basically it was determined that that unfairly targeted homeless people. As part of the resolution of that lawsuit, the County of Hawaii agreed to amend the ordinance to have it be broader in scope to also apply to other forms of solicitation including people going out trying to sell things. If you actually look through it, participate in surveys, sign petitions, request money or objects of value, that sort of thing. So that sort of situation, it would be encompassed in here, and the reason for that is the, we believe that the wider the scope is, the less likely we're going to be accused of specifically targeting homeless people.

CHAIR VICTORINO: And again I think that's very important that we're not targeting homelessness or homeless people. We're looking at the broad wellbeing of the community. So I'm glad you brought that up, Mr. Rowe, because that, there's something that I would really want to see all these laws in its entirety cover the community, not just homelessness. You know then, you know, they're not being targeted. I don't want that being...made perfectly clear, we want to make sure that this protects all of us and as a community. Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair. That's what I was...I was kind of going to mention what Mr. Rowe...it lists in the last page of this one, request for money or objects of value, signing of petitions, participating in surveys, a whole list of stuff. So at least we know we're not targeting just the homeless there, and I think this is one of the better ones that we've got in this group. Chief Ramos talked about aggressive. In this one, we have a pretty good strong --

CHAIR VICTORINO: Definition.

VICE-CHAIR COUCH: --definition of aggressive I think. It says aggressive manner. One thing I would like to see, Mr. Chair, if we could add possibly is in that list of aggressive manner saying using profane, offensive, or abusive language which is inherently likely to provoke an immediate violent reaction either before, during, or after solicitation. Is that something that would be helpful as well? The Chief is nodding his head.

CHAIR VICTORINO: Yeah. And again, that...there's one more component that I will be bringing forward is, you know, I asked Mr. Rowe if the police and the Prosecuting Attorney's Office was consulted with these bills, and they were not. And, you know, I really feel that some of that is why we're here today, because now we're bringing up subject matters and finding out that there's some unconstitutionality, enforceability, all these challenges that should have been discussed with the experts. Now I'm not pointing fingers at anybody, but one of the things I will try to do before I bring this back is to have a meeting with all of the various groups, along with the Department of Housing and Human Concerns and let's try to see what we can do to bring what I call enforceable, logical, palatable bills forward that will be utilized for the wellbeing and safety of our community, not just targeting any one segment but in totality. And like you said, that one particularly covered that but others do not.

VICE-CHAIR COUCH: Right.

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CHAIR VICTORINO: So maybe we ought to have that wording or verbiage in all of the legislation so that we don't have any particular hint that we are looking at just one segment of our community, but we're looking for the wellbeing and safety of the community, and that's what this is all about, this is what we're trying to bring forward. Ms. Reimann, do you want to add something?

MS. REIMANN: Thank you, Chair. No, but really the intent of these bills are well intended. They're to protect the general public, not meant to target any one particular segment of our communication [sic]. And really it's so that we can be proactive versus reactive and not become a place where there's homeless all over the place laying in the streets, in our parks, all over the place like Oahu. We want Maui to be...continue to be the special place that we love. Thank you.

CHAIR VICTORINO: And I think that's what we all agree with that. And that's what I think we've said time in and time out. But we must make sure the laws say that or it's specified, and I think that's important because too many times we make laws that are too vague and too ambiguous, and then when it comes to enforceability or constitutionality and other issues, then they come to question. And then we end up in court, trying to defend what we're trying to do. So if we can get a little bit more specific with all of the various departments, I think that would be happy...I'd be happy to do that before we bring this back out. So that when we do come back out, we've addressed all these concerns about unconstitutionality and enforceability. And working together, you know, it's not the Mayor's bill, it's for the people of Maui County. And so I hope the Mayor understands that's all we're trying to accomplish here is get the best bills to do the job we need job [sic], to give the proper tools, not just tools but proper tools to our law enforcement so that they can help protect our community so Ms. Schulenburg and others can feel safe and walk the streets again and not feel intimidated, you know. So it's a combination yeah. So any other questions for any of the departments or Mr. Thornton before I adjourn this meeting? 'Cause I want thank all of them for being here. I think it's been very informative. Thank you again, Mr. Thornton, for coming out special. Do you want to, some kind of closing statement before I close the meeting? Because you come a long way, I can kind of round these people up, they're all here in Maui but you come from Oahu. So would you have anything else you'd like to say before we conclude the meeting, Mr. Thornton?

MR. THORNTON: You know I think I said it the first time I spoke and bored people to death so I won't do that again. But thank you so much for inviting me here. I really appreciate you providing this opportunity to provide our input and, you know, just another perspective on this issue. And it's really great to see such a vibrant discussion on these issues. So thanks so much.

CHAIR VICTORINO: You're welcome, Mr. Thornton. And I hope we can continue to call upon you if not personally to come up but for advice and maybe some review of what we're trying to bring forward in the near future.

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MR. THORNTON: Any way we can help we'd be happy to. Thank you.

CHAIR VICTORINO: Thank you. Yes, Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair. And in your reshaping of these, if you can throw into the purpose and intent, talk about the behavior as opposed to...that's what we're going after is behavior, not necessarily a condition but somebody's behavior is just...that...affecting public health, so...safety and welfare. That would be helpful so that people don't think that we're going strictly after the homeless for just being homeless. It's more of..

CHAIR VICTORINO: Well, I think like the --

VICE-CHAIR COUCH: Yeah.

CHAIR VICTORINO: --solicitation which we covered --

VICE-CHAIR COUCH: Right.

CHAIR VICTORINO: --all the other aspects of solicitation, not just the homelessness, you know --

VICE-CHAIR COUCH: Right.

CHAIR VICTORINO: --on the homeless people. Yeah. So yes, absolutely, and I think that's where I want to bring in the experts, let's discuss this together so that when we bring something forward in the next...by the end of this month I hope, we'll have something we can all work with and I think agree upon, you know. So --

VICE-CHAIR COUCH: Thank you, Chair.

CHAIR VICTORINO: --anything else? Anybody else want to add anything else? Yes, Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. And I mean, I know we're saying this isn't about homelessness, but that's totally what this whole item subject heading is, is homelessness. But I'm looking at a memo from October 7th and it asked the question of Housing and Human...please explain HUD application process and how funding may be jeopardized if Council were to pass any of these attached proposed bills. Is that...

CHAIR VICTORINO: We discussed that --

COUNCILMEMBER COCHRAN: Is the answer...

CHAIR VICTORINO: --but...

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COUNCILMEMBER COCHRAN: Oh, and is that in written though, in our, in Granicus right now? Is that...

CHAIR VICTORINO: No.

COUNCILMEMBER COCHRAN: Or was it verbal? It was verbal?

CHAIR VICTORINO: Yeah. And then it's --

COUNCILMEMBER COCHRAN: Oh okay.

CHAIR VICTORINO: --a part of the response.

COUNCILMEMBER COCHRAN: I'll pull that up.

CHAIR VICTORINO: October 26th.

COUNCILMEMBER COCHRAN: Okay. Okay, thank you.

CHAIR VICTORINO: Right?

COUNCILMEMBER COCHRAN: I'll pull that up. Thank you.

CHAIR VICTORINO: Yeah, please. Anyhow, anything else? Anybody want to add anything else or any other questions? If not, I want to thank Mr. Thornton for coming up. I want to thank J.D. and Deputy Chief Ramos or Assistant Chief Ramos for being here, Jan and Ms. Reimann, Carol, for being here today, too. Mr. Rowe, thank you very much. And I hope in the next week or two, we can get together and really have a good discussion and try to see if we can formulate more palatable measures in these particular areas. I think we've discussed it and we have our notes so I'll bring the notes along so that we all know what we're talking about, yeah. So if there's no objections, the meeting of the Policy and Intergovernmental Affairs Committee will now adjourn. . . .(gavel) . . .

ACTION: DEFER.

ADJOURN: 11:26 a.m.

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APPROVED:



MICHAEL P. VICTORINO, Chair
Policy and Intergovernmental Affairs Committee

pia:min:161031:ds

Transcribed by: Daniel Schoenbeck

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CERTIFICATE

I, Daniel Schoenbeck, 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 17th day of November, 2016, in Kula, Hawaii



Daniel Schoenbeck