

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE

Council of the County of Maui

MINUTES

October 3, 2016

Council Chamber, 8th Floor

CONVENE: 9:03 a.m.

PRESENT: Councilmember Michael P. Victorino, Chair
Councilmember Don Couch, Vice-Chair
Councilmember Gladys C. Baisa, Member
Councilmember Robert Carroll, Member
Councilmember Don S. Guzman, Member (In 9:34 a.m.)
Councilmember Riki Hokama, Member

EXCUSED: Councilmember Elle Cochran, Member
Councilmember Stacy Crivello, Member
Councilmember Mike White, Member

STAFF: Kimberley Willenbrink, Legislative Analyst
Sharon Brooks, Legislative Attorney (In 11:45 a.m.)
Tammy M. Frias, 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.: Michael J. Molina, Executive Assistant, Office of the Mayor (Item PIA-2(29))
Mayor Alan M. Arakawa (Item PIA-61)
Tivoli S. Faaumu, Chief, Department of Police (Item PIA-61)
Janice Y. Shishido, Deputy Director, Department of Housing and Human Concerns (Item PIA-61))
Caleb P. Rowe, Deputy Corporation Counsel, Department of the Corporation Counsel (Item PIA-61)
Edward S. Kushi, Jr., First Deputy Corporation Counsel, Department of the Corporation Counsel

Seated in the gallery
Carol K. Reimann, Director, Department of Housing and Human Concerns (Item PIA-61)

OTHERS: Ron McOmber (via telephone conference bridge, Lanai Council Office) (Item PIA-2(29))
Kathleen Ross Aoki (Item PIA-61)
Randy Wagner (Item PIA-61)
George Rixey (Item PIA-61)

Caron Green, nominee, Lanai Planning Commission (via telephone conference bridge, Lanai Council Office) (Item PIA-2(29))

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

October 3, 2016

Gavin Thornton, Co-Executive Director, Hawaii Appleseed Center for Law &
Economic Justice (Item PIA-61)

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

CHAIR VICTORINO: . . .*(gavel)*. . . Good morning. I'd like to convene the meeting of the Policy and Intergovernmental Affairs Committee. Today is October 3, 2016, and we're three minutes after 9:00, sorry for the little delays. First of all, I'd ask everyone to please turn off your cell phones or put 'em on vibrate so that decorum can be conducted in this Chamber. Let me start out by introducing the Members present this morning. I'm the Chair, Michael Victorino. Our Vice-Chair of the Committee, Mr. Don Couch.

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

CHAIR VICTORINO: Good morning. Mr. Robert Carroll from East Maui.

COUNCILMEMBER CARROLL: Good morning, Chair.

CHAIR VICTORINO: Good morning. And our representative from Upcountry, Ms. Gladys Baisa.

COUNCILMEMBER BAISA: Good morning, Chair.

CHAIR VICTORINO: Good morning. And our representative from the island of Lanai, Mr. Riki Hokama.

COUNCILMEMBER HOKAMA: Chairman.

CHAIR VICTORINO: Good morning. Today excused will be Stacy Crivello and Mike White, both are unavailable. And Mr. Guzman and Ms. Cochran will be coming in a little bit later, so whenever they arrive we will recognize them at that time. From the Administration, we'll be calling down the Mayor in a little while after we get through with that confirmation of our one and only nominee on the agenda today, and that's for the Lanai Planning Commission. So we'll cover that in a moment. We do have here Mr. Mike Molina, Executive Assistant to the Mayor.

MR. MOLINA: Good morning, Mr. Chairman.

CHAIR VICTORINO: Good morning. And we also have Mr. Ed Kushi, First Deputy Corporation Counsel.

MR. KUSHI: Good morning.

CHAIR VICTORINO: Good morning. In front of us we have the Chief, the Deputy Director of Housing and others, but I will wait to introduce them when we get to that part of our

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

October 3, 2016

program, to that bill. Our Legislative Analyst, Ms. Kim Willenbrink. Thank you, Kim, for all your invaluable service. And Tammy Frias, our Committee Secretary. At this time I'd like to check into the District Offices if I may. Dawn Lono, Hana Office, are you there, Dawn? Good morning, Dawn. Are you there?

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

CHAIR VICTORINO: Oh, good. Good morning. Denise Fernandez at our Lanai Office, Denise, are you there?

MS. FERNANDEZ: Good morning, Chair. This is Denise Fernandez on Lanai.

CHAIR VICTORINO: And, Denise, is our nominee to the Lanai Planning Commission also there?

MS. FERNANDEZ: Yes, she is here, as well as one testifier.

CHAIR VICTORINO: Okay, very good. I'll get back to you on the testifier. Thank you. And Ella Alcon, Ella, are you there from our Molokai Office?

MS. ALCON: Good morning, Chair. This is Ella Alcon on Molokai.

CHAIR VICTORINO: Good morning, Ella. Thank you very, very much. As I mentioned earlier, we have Caron Green from the Lanai Planning Commission applicant, and we will be bringing her online very shortly for our first item. Okay. So let's get started. Let's start with Item No. 1 on our agenda which is...oh, before I do that, we have two agenda items, first one is the Nominations to Boards, Committees and Commissions, for the Lanai Planning Commission. That's Item No. 1. And then Item No. 2 would be the Protecting and Preserving Public Health, Safety, and Welfare, PIA-61. And we will cover both of those in particular as we get to them. So let me start with public testimony. Testimony will be limited to the two items on the agenda as I mentioned earlier. Sign up at the desk located on the 8th Floor lobby or at any one of our District Offices. You will have three minutes. At two-and-a-half minutes, the yellow light will come on, and at three minutes, the red will start blinking, I will ask you at that time to please conclude with a closing statement. Please state your name and any organization you may be representing. We've already established our contacts with our District Offices, and we'll try to rotate between what we have here and our District Offices. In fact, if with your permission, when we start public testimony, may we start with the Lanai Planning Commission, the person that's there for testimony, with your permission?

MS. WILLENBRINK: Excuse me, Chair?

CHAIR VICTORINO: Yes?

MS. WILLENBRINK: Hana District Office had to leave, they had an emergency.

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

October 3, 2016

CHAIR VICTORINO: Oh, okay. So okay, so we're not going to have Hana Office at this time. Sorry about that. And I hope the emergency is not something serious also. So with your permission I'll start public testimony on Lanai, with no objections?

COUNCILMEMBERS: No objections.

CHAIR VICTORINO: Thank you. Denise? Good morning. Denise?

MS. FERNANDEZ: Chair. Good morning, Chair.

CHAIR VICTORINO: Okay. Would you have your first testifier on Lanai? We will start with that person first and then move on.

MS. FERNANDEZ: Okay. Our one and only testifier is Ron McOmber testifying on Item PIA-2(29).

. . .BEGIN PUBLIC TESTIMONY. . .

MR. McOMBER: Good morning, Chair. I know it must surprise you that I'm testifying but I have to voice my opinion on this. We've had a terrible situation with people being put on the Lanai Planning Commission and have superseded people that have had more than two years' applications on file. It seems strange that the people that have had their names on file for years and years are now being ignored. This has gotta change. You saw what happened a couple weeks ago when we had somebody excluded because there was a special thing from the Mayor. I don't know what the Mayor's doing. I tried to ask the Mayor the other night when he was over here for budget and he wouldn't even talk to me. So I think it was...it's kind of rough for us that have had our names on this for a long time. There's several people on Lanai. I don't know how long Caron Green's had her name on the list, but I know that we need to find out and get more equitable application of this. It's very important to Lanai. We have two from the company that are on the Commission right now, and we have a third person which is a homeowner down at Manele on the Commission. That means that we're really close to having them control what the company wants, and there's a lot of that going on right now. So I would appreciate you looking into how long has Ms. Green been on this list, when did she apply, and look at the rest of the people on the list. It's strictly a Mayor's thing and the Mayor is not responding to us, so I'd appreciate anything you can do for us and taking this into consideration. Thank you, Chair and Members of the Council.

CHAIR VICTORINO: Thank you, Mr. McOmber. Any questions for Mr. McOmber? Seeing none, thank you very much, sir, for voicing your concerns, and I assure you we will be talking about that at a later date but we will definitely bring that up. Okay, let us start with the Chamber. Well, let's check with Molokai. Molokai, do you have anyone wishing to testify?

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

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

October 3, 2016

CHAIR VICTORINO: So, Ella, if you would e-mail the office if there's anyone wanting to testify, and I will go back to the Chamber, okay?

MS. ALCON: Okay. Yes I will.

CHAIR VICTORINO: Thank you. In the Chamber, Ms. Willenbrink, will you introduce our first testifier?

MS. WILLENBRINK: Yes, Chair. Our first person signed up in the Chamber to testify is Kathleen Ross Aoki.

CHAIR VICTORINO: And then the next person behind her so that they'd be prepared?

MS. WILLENBRINK: Ms. Randy Wagner.

CHAIR VICTORINO: Okay, thank you. Ms. Aoki, welcome. Good morning.

MS. AOKI: Good morning. Good morning, Committee Chair Victorino, Committee Vice-Chair Couch, and Committee Members. My name is Kathleen Ross Aoki and I'm here on my own personal time this morning as a 23-year resident of Lahaina to express my full support of PIA-61 and County Communication Number Item 15-296. It appears that today's agenda item is to discuss one of the proposed bills entitled Prohibitions Relating to Lying Down on Public Sidewalks. My testimony today is to support this bill as well as the other four bills included in the communication item. More and more, the streets of Lahaina have become unsafe, unsanitary, unsightly, and uninviting. There may be those who say the testimony I'm about to share is heartless, without compassion, an exaggeration of the facts, an ignorance of others' rights. My response to that is to please listen to both sides before judgment is passed, and to take to heart that while I have compassion to those less fortunate, I also have compassion for those of us who are being significantly impacted by the unruly, unrestrained, and aggressive actions from others. Here are just few reasons of why I support this particular bill as well as the other four. Have you witnessed someone pulling their shorts' leg to the side, exposing their genitals, and urinating on the sidewalk on Front Street in front of tourists, children, residents, business owners in the crux of a busy afternoon? Have you worked as an independent contractor of a commercial building and had to clean human feces within the parking lot, on the sidewalk fronting a business entrance, within the landscaping, along the right-of-way? Have you had to return or throw away empty abandoned shopping carts or clean out abandoned shopping carts piled high with trash, food laden with maggots, and empty alcohol bottles and cans? Have you been yelled at or physically intimidated when you either don't respond to or negatively to solicitations? Have you had to cross a street or go out onto the street, because someone is lying or sleeping on a sidewalk and you are too afraid to walk past them or simply can't pass them because there is no room for you to pass? Last Wednesday morning at 5:55 a.m. while walking your dogs on Lahainaluna Road, did you have to literally run--sorry--as fast as your legs could take you away from a homeless person, because he threatened you with

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui**

October 3, 2016

screaming words and body language so much that you were in fear of your life? I can say I have to every one of these situations, and that is why I made it a point to come here this morning and testify. It is important for everyone to hear both sides of the story. I ask that you please pass this bill and others sooner than later in order to help those of us who want order restored to our communities, for the protection of our businesses and our economy, to provide the tools to our law enforcement and social service agencies to motivate and encourage those less fortunate to accept the assistance they are offered but choose to decline, and to not condone behavior that is unacceptable, threatening, unsanitary, and hurting the majority of us.

CHAIR VICTORINO: Ms. Aoki, can you give one closing statement?

MS. AOKI: I will conclude. Lastly, I leave you with this, while I have modified the time I walk in the morning, to where I walk in the morning, as a result of that incident that happened last week Wednesday, I no longer feel safe to walk in the early morning alone. In addition, I have also advised my client of 15 years that I will no longer service their commercial building in Lahaina. As much as I've tried to let the actions of others not control me, it has come to that defining moment that I am no longer willing to risk my health nor my safety. Mahalo for your consideration.

CHAIR VICTORINO: Thank you, Ms. Aoki, for bringing forward, I think, what many of us know exists out there, that we all understand. It's a real hard and difficult process deciding where rights end and safety and health begin. And it's a difficult situation.

MS. AOKI: I agree.

CHAIR VICTORINO: And so but I hope and pray that one day in the not-too-distance future you can go back to what you were used to to doing and not feel intimidated or afraid to do it.

MS. AOKI: I hope so too, Chair.

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

MS. AOKI: Thank you.

CHAIR VICTORINO: Next testifier, please.

MS. WILLENBRINK: Randy Wagner, and Randy will be followed Mr. George Rixey.

MS. WAGNER: Good morning, Chair and Councilmembers. Thank you, Don Couch, for notifying us of this hearing. I completely agree with everything that Ms. Aoki just stated. I have experienced identical things. In my neighborhood, I can no longer walk safely. I now frequent different stores. I have lost tenants because of it. And I would just like to reclaim my neighborhood and for my granddaughter and for my children to be able to feel safe, to be walking freely where we once could. It's very demoralizing to

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

October 3, 2016

witness people out cold on the sidewalk. It's terrifying to walk by a gang of people. And that's one point that I'd like to make with this bill that lying down is not the only problem, people congregate sitting on the sidewalk, and they're bullies and they threaten. And they're drunk. And they're drug users. And they keep the people who really need the help...for instance, I live near St. Theresa Church and people who would be going to that program, families, local families with children cannot go because these people are threatening their access because they don't want to be around these people. They have no respect for common decency. And I too don't want to sound like a mean person; however, I want to protect the society that I contribute to. And I'm willing to help provide an alternative, I'm an architect. I would be glad to volunteer my time to provide an alternate place for these people to be; however, they should not be allowed to be ruining our communities.

CHAIR VICTORINO: Thank you, Ms. Wagner. And I wholeheartedly agree with you. And again, I think you're referring to Hale Kau Kau, why a lot of these people hang out there.

MS. WAGNER: Yeah.

CHAIR VICTORINO: Our intent many years ago was to help these people and others to make sure they had a meal, you know, a hot meal in the evenings, and that was our whole intent. And we feed families, 'cause I've been a part of that for a long time. Even though I don't live in Kihei, I have been a part of that. And the intent has always been a good intent; unfortunately, yes, there are others that are coming into the program that's even made it hard for the parishioners as well as the pastor and some of us to even deal with them. And we've eighty-sixed some of them off the property but it's...you never stop them all.

MS. WAGNER: Well, off the property puts them in my neighborhood.

CHAIR VICTORINO: Well, and again that wasn't our intent, you know, that wasn't the intent, but they, you know, we're keenly aware. What we're trying to do is get help for them, but how do you help those who don't want to help themselves? And I think that's what we're going to talk about today.

MS. WAGNER: Thank you very much.

CHAIR VICTORINO: But thank you. Questions for the testifier? I apologize, I didn't give you guys a chance first. Thank you, Ms. Wagner, very, very much.

MS. WAGNER: Thank you.

CHAIR VICTORINO: Next testifier, please.

MS. WILLENBRINK: The final person in the Chamber signed up to testify is Mr. George Rixey.

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui**

October 3, 2016

MR. RIXEY: Aloha. I'm here to testify also in favor of the five bills.

CHAIR VICTORINO: Can you introduce yourself?

MR. RIXEY: Oh, I'm sorry. My name is George Rixey.

CHAIR VICTORINO: Okay, thank you, George.

MR. RIXEY: I'm sorry. I live in Kihei.

CHAIR VICTORINO: Yes.

MR. RIXEY: And I live in the Azeka commercial neighborhood district area. So, you know, there's not really much more I can add to what's already been said. Although I'd like to say that it's unfortunate that we need to have these bills, but it's come to the point where it's adamant that we do need to have these bills. And, you know, it's very hard for me to listen to my wife and to the other young lady speak as a father and a husband and a grandfather because I want to defend them. And there's been situations with my daughter-in-law and my granddaughter who have been threatened just by simply trying to go to walk to the grocery store. And, you know, there's only so much I can do, and this is the main thing I can do right now. So I'm in full support of this. And these stories that you've heard, these, they're just, you know, that's just the tip of the iceberg really. And I think everybody knows here too that the increase of this particular population of people that tend to loiter and, you know, may be vagabond-type nature is increasing, vastly increasing so we need to take measures.

CHAIR VICTORINO: Well, thank you, Mr. Rixey. And I think many of us agree and again, finding that balance between compassion and safety and wellbeing of the community is really where we're at at this point. And some of this hopefully can be addressed today. And we have some experts that will be speaking, so I don't know if you'll have time to hang around, but if you don't, please tune in later and we'll, we, you know, we brought a panel in to discuss this matter.

MR. RIXEY: Yeah. Actually there is one other thing I'd like to add if I could quickly?

CHAIR VICTORINO: Yes, go ahead, please.

MR. RIXEY: So I've been a part of the Kihei community for a long time.

CHAIR VICTORINO: Yes.

MR. RIXEY: And one of the things we've been working for in that community is walkability which in the Azeka area is really good, there's a lot of walkability, accessibility to things. This is a severe attack on that.

CHAIR VICTORINO: And don't feel bad because it's not just Kihei --

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

October 3, 2016

MR. RIXEY: Yeah.

CHAIR VICTORINO: --it's this whole County, and especially the island of Maui, really bad. Right here in Wailuku, you cannot walk a lot of the streets. My wife will not walk a lot of the streets for that simple reason, just what you've said.

MR. RIXEY: Yeah.

CHAIR VICTORINO: They congregate and what are you going to do? I mean unless they break a law, you can't do much. And so let's --

MR. RIXEY: Okay.

CHAIR VICTORINO: --see what we can do, George.

MR. RIXEY: Thank you.

CHAIR VICTORINO: Thank you so much for being here.

MR. RIXEY: Yeah.

CHAIR VICTORINO: And questions...before you run off, questions for the testifier? I apologize.

MR. RIXEY: Yeah.

CHAIR VICTORINO: None, thank you very much.

MR. RIXEY: Mahalo.

CHAIR VICTORINO: Do we have any more testifiers signed up in the Chamber?

MS. WILLENBRINK: No, Chair.

CHAIR VICTORINO: And let's check with the District Offices once again. Molokai, do you have anyone wishing to testify? Ella?

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

CHAIR VICTORINO: Thank you, Ella. And I'll go to straight to Lanai, Denise, is there anyone wishing to testify on either of the items on the agenda?

MS. FERNANDEZ: No, there's no one waiting to testify on Lanai.

CHAIR VICTORINO: Okay, thank you. And seeing no one in the Chamber wishing to testify, I'll give one last opportunity if you haven't. Seeing no one coming forward, with no objections, I'll close public testimony.

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui**

October 3, 2016

COUNCILMEMBERS: No objections.

CHAIR VICTORINO: Thank you. . . .(gavel). . .

. . .END OF PUBLIC TESTIMONY. . .

MS. WILLENBRINK: Mr. Chair? Can we please ask Lanai Office to stay on?

CHAIR VICTORINO: Yes, yes. Yeah, because the testifier...I mean the nominee.

MS. WILLENBRINK: And she has told me to let the Members know that there's a slight delay.

CHAIR VICTORINO: In when she speaks into and what we hear here?

MS. WILLENBRINK: Yes.

CHAIR VICTORINO: Okay, so we understand there'll be a slight delay in receiving her message. Okay.

**ITEM PIA-2(29): NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS
(LANAI PLANNING COMMISSION) (CC 15-5)**

CHAIR VICTORINO: So let us go on to Item No. 1, Nominations to Boards, Committees, and Commissions. This is for the Lanai Planning Commission, PIA-2(29). The Committee is in receipt of correspondence dated and received on September 14, 2016, from the Mayor, testifying a proposed--testifying, excuse me, I'm still in the mode of testifying--transmitting a proposed resolution entitled Relating to the Appointment of Caron Green to the Lanai Planning Commission, along with a completed application form for the nominee. The purpose of the proposed resolution is to approve or disapprove the appointment of Caron Green to the Lanai Planning Commission, for a term expiring March 31, 2020, filling the vacancy of the, resulting from the resignation of Jarrod Barfield. The Council must approve or disapprove this nomination by November 13, 2016, or the nomination will be deemed approved. We received one piece of written testimony which you all have, and I will enter that into the record. Before we interview Ms. Green, I would like to ask Mr. Molina to provide a little background and information. Mr. Molina?

MR. MOLINA: Thank you very much, Chair. Good morning. And good morning, Committee Members. The Administration would like your support of the nominee, Ms. Caron Green. We're certainly very pleased that she's made herself available to be considered. She has previous board experience both on the mainland and on Lanai. Specifically on Lanai, she is a former board member of the Lanai Culture and Heritage Center, the Lanai Arts Center, and the Lanai Community Plan and Advisory Committee.

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

October 3, 2016

Ms. Green is retired and has told us that she has the time to serve on the Lanai Planning Commission. And, Mr. Chairman, on another note, in response to your request last week for the attendance records of the Lanai Planning Commission members for the last two years, the Administration has provided your Staff the documents for your consideration. Thank you, Mr. Chairman.

CHAIR VICTORINO: Thank you very much, Mr. Molina. And I think we have copies of that. Have we distributed it to the Members, Ms. Willenbrink? You have to put it on.

MS. WILLENBRINK: Yes, Chair.

CHAIR VICTORINO: Okay. So everyone has a copy of the attendance records as submitted from the Administration in regards to, I guess it was you, Mr. Hokama, that had requested the attendance report for the Lanai Planning Commission. Okay. And it's...I think it goes from 2014 through 2016, as my records indicate here. I don't know if you have anything differently but that's what I show here, Mr. Hokama. Okay. If...I will dispense unless you have a very burning question on this. I will dispense with this so I can go to Caron Green and get her on the line and so that we can have her give an opening statement, and you can then ask her your particular questions, with no objections?

COUNCILMEMBERS VOICED NO OBJECTIONS

CHAIR VICTORINO: So if you will, Denise, is Caron Green available?

MS. FERNANDEZ: Yes, she's available, and she's right here waiting.

CHAIR VICTORINO: Okay.

MS. GREEN: Chair...

CHAIR VICTORINO: Caron, are you there?

MS. GREEN: I am here.

CHAIR VICTORINO: Okay. Caron, if you would like to introduce yourself and give an opening statement, please proceed.

MS. GREEN: Okay. Chair and Councilmembers, thank you very much for considering my application for a position on the Lanai Planning Commission. Also, I appreciate the fact that you let me do this remotely. I know it's not exactly ideal, but living on Lanai, it certainly is a good service for us.

CHAIR VICTORINO: Excuse me, Ms. Green, would you introduce yourself just to make sure that we're talking to you?

MS. GREEN: Oh, I'm sorry.

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

October 3, 2016

CHAIR VICTORINO: Yes.

MS. GREEN: I'm Caron Green.

CHAIR VICTORINO: Okay, thank you. Now go ahead.

MS. GREEN: Okay. Shall I thank you again?

CHAIR VICTORINO: No, no.

MS. GREEN: Thank you, Chair and Commissioners [sic], for considering my application and also for letting me do this from, this interview from a remote location. Also, I would like to just briefly correct something that Ron said, and that is Stu Marlowe who is on the Planning Commission right now actually lives up at Koele and he will be going off the Commission next March. So there will only be a small overlap for us. I live down at Manele, and at this point in time, there's nobody representing that community on the Planning Commission.

CHAIR VICTORINO: Okay. Would you like to tell us a little bit about yourself and your experience?

MS. GREEN: Sure.

CHAIR VICTORINO: And then that way we can then open up to questions from the Councilmembers.

MS. GREEN: Okay. I've lived on Lanai for ten years. I grew up moving around. I was born in New York, my dad worked for DuPont and we ended up living in Kansas City, and then I went, my formative years I would say in suburbs of Chicago. I think you see on the application I went to Purdue University and majored in biology and chemistry, and afterwards went to work for Eli Lilly and Company in Indianapolis where I worked for nine years, starting in research and ending up as the head of the employee communications department. After nine years, my husband was transferred to Geneva, Switzerland, and those were the days when they didn't have a job for me there so I took a leave of absence and we went to Geneva, Switzerland for four years. And we went to Johannesburg, South Africa for three and a half. Then we went to the Bay Area for two and a half and finally back to Indianapolis. And at that point in time, I had two small children and the company offered me a job, but I decided at that time to take retirement. But I ended up using my time besides raising children, doing volunteer work in the community, and then lo and behold, my husband got transferred to London, England, so we were off again. Finally came back to Indianapolis in 1996 where we lived for ten years. The whole time we were living in different places, we would play the game if we could live anywhere, where would it be, and at one point in time it got oh, we're going to live in _____. But in 2001 we came on vacation to Lanai and I absolutely fell in love with it, and so then four years later when we were deciding where we were going to retire, we came back to Hawaii and well, long

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

October 3, 2016

story short, we bought a lot down at Manele and retired here in 2006. So we've been on Lanai for ten years. And we love it for the sense of community here. We love it for the wide open spaces. We love the fact that the two hotels have, you know, such a different atmosphere. So ten years later, you know, we started out with a ten-year plan and ten years are now up and we just can't imagine where else we would live.

CHAIR VICTORINO: Thank you, Ms. Green. I appreciate those comments. And at least now we have a better idea of what you're all about. You seem like a world traveler so I guess your experiences as well as the ten years you've been on Lanai and the uniqueness of Lanai itself hopefully will serve you well. I will defer now to the first questions to the area rep which will be Mr. Hokama, our Lanai representative. Mr. Hokama?

COUNCILMEMBER HOKAMA: Thank you, Chairman. Good morning, Caron, and thank you for volunteering to give service to the island on behalf of our people. So thank you so much. Hearing your comments and also serving on the Community Plan Advisory Committee, you know of my philosophy of finding island solutions to island problems. You bring a great level of understanding and experience of mainland or non-Hawaii type of experiences. Can you tell us, especially for Lanaians, how your experience can...you look forward to using that experience and knowledge to our community's benefit? Because we are basically people who are very steeped in our culture and history, and for those of us that are there for generations and hundreds of years, we'd like to know how someone with ten years of history on Lanai will address our unique concerns.

CHAIR VICTORINO: Ms. Green, did you get that question?

MS. GREEN: Yes, I did. We were just waiting to do the phone.

CHAIR VICTORINO: Go ahead.

MS. GREEN: Thank you, Mr. Hokama, for the question. You know I love history and when I first came onto Lanai, I met Kepa and he at that point in time was doing oral histories of Lanai. And I said to him, I said you know, they were writing them all down and I said, you know, that's really great for people who are doing research, but I think we need to have some kind of a video or something that people can watch, 'cause most people aren't going to sit around and read these oral histories. I had been involved with the Indianapolis Museum of Art, and in their various different departments they had a very big . . .*(inaudible)*. . . African section, and they had all these masks and things around. And then they would have a video that you could push a button on, and they would show the masks being used in ceremonial events in its indigenous place. So I said to Kepa, I said we need to raise money to actually produce a video so that people when they come to the Cultural and Heritage Center, can actually press a button and have kupuna speak to them about their experiences when they lived down at . . .*(inaudible)*. . . pineapple plantation when it was, you know, the different stages. And so I worked with him to put on a concert with Kealii Reichel and we raised money to make this video. So I guess what I'm saying to you is I have a deep love of history,

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui**

October 3, 2016

and my husband and I have embraced the history of this island. We were, you know, with the, with that, we worked down in Maunalei Gulch when--what's the name, I've just drawn a blank--Kawehi and Debbie Ryder were working down there. I've read all the history books and really fallen in love with the history. Also, you know, I guess you have to understand when you live in places, like when we moved to Geneva, Switzerland, the shops closed at 5 o'clock on Saturday and they didn't open again until Monday afternoon so and it was a different kind of culture. And then you go to South Africa and their shops closed at noon on Saturday and didn't open until Monday. And they had, you had to learn to live within the different kinds of situations there and come to honor the people for their perspective on things. And so I think my husband and I come with experience to embrace the uniqueness of Lanai and understanding to a large extent the people here.

COUNCILMEMBER HOKAMA: Okay, thank you for your response, Caron. And for over 60 years, Lanai shut down on Saturday 5:30 p.m. and our commercial properties did not open till Monday 8:00 a.m. so we've lived through that era of what you've just described in other parts. But that is who we are and that's part of our history. One thing I want to ask you is your thoughts on especially for Lanai, the future of how you see economic development progressing with only again one landowner who tries to monopolize and control most activities on the island, especially commercial properties? How do you see your role as a potential Planning Commissioner to increase opportunities for Lanai's people regarding economic opportunities and economic development especially for entrepreneurship?

CHAIR VICTORINO: Go ahead, Ms. Green.

MS. GREEN: Thank . . . *(inaudible)* . . . Yes, thank you, Riki. I have done a lot of thought on this and of course as you know I was on CPAC, and one of the things that they talked about on the CPAC is that Lanai does not have what I call critical mass. This was very evident when Castle and Cooke was in dire straits in like 2007-2008 after the 2008 economy tanked. And I understand at one point in time that we almost were going to lose having our weekly barge. So we have become very dependent on one owner being the benefactor on the island, and it puts us in a very precarious position because if that owner doesn't do well, we suffer. So I think we need to grow our population so you have economic diversity. And during the Planning Commission, I think they were touting a number, something like 6,000 people. I know from having built a house here and trying to maintain a house here, we do not have a lot of services that you would have in other places because we don't have critical mass. So I think if we could grow our population and do it sensitively with trying to maintain the character of the city and as a community slowly assimilating these new people, not having development all over the island but having it in just a . . . *(inaudible)* . . . so you keep the wide open spaces, et cetera, being sensitive to water, et cetera. I think that really the secret lies in increasing our population. We have no vet on island because we can't sustain one. We have problems down at our house getting people to come and do like for example we need tree trimming right now, well, they have to come from Maui. So I think there are lots of opportunities for entrepreneurs to come here, but they need to

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

October 3, 2016

have enough clients to have a viable business. So I guess I would like to be involved in seeing sustainable, sensible growth on Lanai.

COUNCILMEMBER HOKAMA: Thank you for that response, Caron. I'm happy to hear that, although I prefer that we develop our Lanaians to be the entrepreneurs. I don't need to have more people come to Lanai taking away Lanai people's jobs. My other question is again, you understand the ownership of the island, and for me I am looking at appropriate eminent domain of certain properties to give the island and its, our community the fair opportunities for ability to either work for another employer as well as for maybe government to provide independent others to look at potential leasing or job creation outside of Pulama Lanai. How do you view that?

CHAIR VICTORINO: Ms. Green?

MS. GREEN: Yeah. I would be in favor of that. And, Mr. Hokama, I would like to go back to your statement, I am not saying take jobs away from local people. I'm saying there are not enough local people to do the jobs that are in demand. And so and I think some people like the restaurants here in town and everything would do better if there was a larger population to patronize . . . *(inaudible)* . . . the various businesses. So certainly I would want to see the jobs going to locals first.

COUNCILMEMBER HOKAMA: Thank you, Caron. I am...Chairman, I would like to relinquish the floor if other Members may have questions for Ms. Green. I appreciate her presence and her candid responses to my questions. So I yield the floor. Thank you.

CHAIR VICTORINO: Thank you, Mr. Hokama. And I'll come back to you if you have any other further questions. I'd like to take this moment also to recognize the attendance of Mr. Guzman, our Vice-Chair of the Council. Thank you for being here. Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair. And thank you, Ms. Green, for being available for us. The question I have is the standard question on time and availability and the attendance of the meetings. There have been some instances when we've put people on, that they just haven't been able to come to the meetings, and looking at the attendance report, there are some that are...they have a bit of an issue with keeping attendance. So are you willing to commit to attend most if not all of the meetings for this Committee?

CHAIR VICTORINO: Ms. Green?

MS. GREEN: Yes, absolutely. If you look at my record on CPAC, I was there for I think like 99 percent of the meetings. I missed a couple because they actually ran the CPAC, it went longer than it was originally supposed to and I had scheduled a vacation, but otherwise I made all the meetings. I am retired and on island most of the time. We do travel probably twice a year. I try to arrange those travel so I don't miss meetings so I will be here and, you know . . . *(inaudible)* . . .

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

October 3, 2016

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

CHAIR VICTORINO: Okay, thank you very much. Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much, Chair. And thank you very much, Caron, for volunteering to be on the Commission and to go through this process which I know is always difficult. I would like a question, Chair. Can somebody share with us the current membership of the Lanai Planning Commission, and is it primarily composed of long-time residents? What is the membership?

CHAIR VICTORINO: Mr. Molina, could you answer that question?

MR. MOLINA: Yes, thank you very much, Mr. Chairman. Members, if you'll take note of the documentation that we've provided you, the current members are on the last page where it says July 2016 through December 2016. Most recently it was September 21st. I believe Mr. Marlowe I believe was not originally a Lanai resident. Ms. Baltero and Ms. Badillo, I'm not sure if they were...they've lived on the island for some time, I'm not sure if they were born on the island. But I can safely say at this point a majority of the members, it's pretty balanced I would say as far as who was born and raised on Lanai versus who, you know, moved to Lanai. But the majority of the members there have pretty much lived on island for some time. I'm sorry, I don't have that documentation, their applications. I could provide that a later point --

CHAIR VICTORINO: Well --

MR. MOLINA: --to get more background.

CHAIR VICTORINO: --Mr. Molina, I'll ask the resident expert --

MR. MOLINA: Yeah.

CHAIR VICTORINO: --to give us the answer.

MR. MOLINA: That might be a better...

CHAIR VICTORINO: So, Mr. Hokama.

MR. MOLINA: Yeah, yeah.

CHAIR VICTORINO: Because we should have just went to him. I'm sorry, I apologize to you. Mr. Hokama, knowing the names here and I know you know the people, would you say it's balanced and your answer to Ms. Baisa in that respect?

COUNCILMEMBER HOKAMA: Chairman, thank you. The current makeup of the Lanai Planning Commission has mostly what I would call Lanai residents truly under that phrase, Lanai residents. Yes, some of them did relocate to Lanai, but they have proven themselves to embrace Lanai, our values, our culture, our history whereby the

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

October 3, 2016

general community has been supportive. There is a concern that we need more Lanai-born people on the Commission, and that's something that the Mayor and I have had various, I would say, beneficial discussions on how to maybe look forward in the future on how to consider some of those factors in future nominations. So I thank the Mayor for his openness to at least be open to those comments and recommendations. Other than that, Mr. Chairman, Lanai's in a transitional period. We're in a marginal sense of our values and who we are. Lanai was very stable as a plantation community under agriculture. One of the disappointments of the visitor industry is we have a lot of transient residents, it's the nature of the industry, especially for management. And so it brings us additional challenges, especially when there are those that speak about Lanai and I know they have no clue about Lanai. It disturbs me of what is being said out there publicly about the facts and realities of who we are and our history. Saying that though, I would say that I think Ms. Green is a reasonable consideration before this Committee this morning, and I would ask the Members to please forward any concerns or comments that you could share with Ms. Green so she can have a better understanding of the role she takes, some of the fiduciary responsibility she's going to assume, as well as under our County's jurisdictional structure, the importance of the implementation of Coastal Zone Management or SMA areas. So I think Ms. Green is aware of her responsibilities and she's put herself forward to our community, and I look forward to other Members sharing their comments, Chairman. Thank you.

CHAIR VICTORINO: Thank you, Mr. Hokama. So does that answer your question, Ms. Baisa?

COUNCILMEMBER BAISA: That's a long answer to a short question.

COUNCILMEMBER HOKAMA: Yeah, sorry.

CHAIR VICTORINO: That's okay.

COUNCILMEMBER BAISA: What I was trying to figure out was the makeup, because it was raised as an issue that we wanted to have more long-time residents on the Commission so I wanted to know what is the current makeup. And I think the answer that I get is that it is evenly balanced at this point and if anything more, in favor of folks that have lived there for a long time or have moved there and understand. Knowing that, I am impressed with something on this application, and that is the fact that Caron has served on the Lanai Community Plan Advisory Committee. And I'd like to ask you, Caron, what is your experience in being a part of that Committee?

CHAIR VICTORINO: Ms. Green?

MS. GREEN: Thank you for the question. I think it gave me a fuller understanding of all that is involved here on Lanai. I learned a lot about land use commissions and, you know, exactly how it's decided that development happens on the island, and the wishes of the community, concerns of the community. So in general just a fuller understanding of Lanai.

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui**

October 3, 2016

CHAIR VICTORINO: Is that it? Miss...

...*(audio feedback)*...

CHAIR VICTORINO: Hang on, hang on. We're having technical challenges.

COUNCILMEMBER BAISA: Are we okay now?

CHAIR VICTORINO: Are we okay?

MS. FERNANDEZ: Yes, we are. Thank you.

COUNCILMEMBER BAISA: Caron, thank you very much --

CHAIR VICTORINO: Thank you ____.

COUNCILMEMBER BAISA: --for your answer, and that does help me a lot. It appears that, you know, that would have been an excellent experience as an entree to being a Planning Commissioner. Thank you very much.

CHAIR VICTORINO: Thank you. Mr. Carroll, do you have any questions for the nominee? And then I'll go to Mr. Guzman, do you have any questions for the nominee? None at this time?

COUNCILMEMBER GUZMAN: Not at this time.

CHAIR VICTORINO: Thank you. Mr. Hokama, do you have any further questions for the nominee?

COUNCILMEMBER HOKAMA: No, Chairman. I'm ready for motions and discussions. Thank you.

CHAIR VICTORINO: Okay, thank you. If there's no more discussion...do you have any more questions?

VICE-CHAIR COUCH: Not of the nominee but of the Administration.

CHAIR VICTORINO: Okay, go ahead.

VICE-CHAIR COUCH: There was some testimony that some people have been on the list for over two years and seem to be getting skipped over. Is there any comment you would want to make towards that?

MR. MOLINA: Thank you, Mr. Chairman and Councilmember Couch. Well, typically applications are discarded after they've been on file for two years. I cannot give you any exact assessment of why the Administration may go with a person or may not go with a person, but there have...again, some of the traits we look for is the person's

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

October 3, 2016

ability to attend and commitment. In most cases, they work out but as you can see on the attendance records for some of the nominees in the past, some folks have for whatever reasons have had a difficult time making the meetings. Just recently we had a member that was having a difficult time attending the meetings, and we asked for his resignation and which he did. So for lack of a better term, it is somewhat of a crapshoot when selecting a nominee. But again, we look at the person's commitment and ability, and sometimes it works out, sometimes it doesn't. But we definitely try to vet the applicant out as best as we can. And of course you take, the Council takes it to the next level with the vetting process. So that's pretty much what I can say as to how we look at all nominees, people that do apply.

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

CHAIR VICTORINO: Okay. Any other questions?

COUNCILMEMBER HOKAMA: Chair?

CHAIR VICTORINO: I would...oh, Mr. Hokama?

COUNCILMEMBER HOKAMA: Chairman, before you give us your recommendation regarding this nomination, I appreciate Mr. Couch's query. I would just say I'm looking toward further clarification either by an ordinance proposal or not about how we deal with nominations, especially with the disapprovals and the process of a clock. And again, this has nothing to do with Ms. Green, but with the process I find it interesting that after Council's action on December 2nd, it took us 12 days to send a transmittal to the Mayor saying of our action and then another 10 days to get another nomination which the Mayor is within his Charter responsibilities. I'm not happy with that clock, 'cause I thought it was already Council's time after the 10 days of the 2nd that it was our opportunity to then forward a Council name for consideration. I support what the Mayor has done because as I...as they have counted under the current I guess practice, it fits under the 10 days notification. I'm not a happy camper that it took us 10 calendar days to start the clock, Chairman. Regarding the concern of my community, our island regarding the applications, I don't have a problem also by ordinance to propose that all qualified applicants with appropriate redactions be made public, especially for our community. I think we should know exactly all the names that's going to be considered, the date of that application, and if appropriate why they want to serve. It takes away a cloud of why this name or that name or no name. Because on the island, we know who has applied, we keep a record in Council Office on Lanai of all applications that we forward or know is forwarded to the Mayor's Office. So within appropriate parameters of law, I am going to look at clarifying and instilling by Code a clear and understandable process for all future nominations. Thank you, Chairman.

CHAIR VICTORINO: Thank you, Mr. Hokama. And you have that advantage of having everything go through your office where many of us do not, so that would have to be also looked upon as different areas are required to have certain types of board

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui**

October 3, 2016

members or commissioners, that that is also vetted through that particular Councilmember's office.

COUNCILMEMBER HOKAMA: Understood.

CHAIR VICTORINO: 'Cause right now we do not get...

COUNCILMEMBER HOKAMA: Understood, Chairman.

CHAIR VICTORINO: You're fortunate, Molokai and probably Hana, the rest of still have no clue until we get it at this level. And so...yeah.

COUNCILMEMBER HOKAMA: And again, Chairman, I understand --

CHAIR VICTORINO: Okay.

COUNCILMEMBER HOKAMA: --as long as we stay within the parameters of the Charter --

CHAIR VICTORINO: Yes.

COUNCILMEMBER HOKAMA: --the Council can with our authority and powers by Charter, create further clarification and specifics regarding the implementation of the Charter parameters. Thank you.

CHAIR VICTORINO: Okay, thank you. And I don't want to beat this dead horse to a pulp, I think we've covered it enough. So I would like to make my recommendation --

VICE-CHAIR COUCH: Recommendation?

CHAIR VICTORINO: --with no further discussion.

COUNCILMEMBER BAISA: Recommendation?

CHAIR VICTORINO: Okay.

MS. FERNANDEZ: Chair? Excuse me, Chair, but Ms. Green would like to say something.

CHAIR VICTORINO: No. No, I'm not recognizing that. Tell her to hang on and I will call her again once I make my recommendation.

MS. FERNANDEZ: Thank you, Chair.

CHAIR VICTORINO: Thank you. So with no objection, the Chair would like to entertain a motion to adopt the proposed resolution entitled Relating to the Appointment of Caron Green to the Lanai Planning Commission, to...by revising the first be it resolved for the clause to strike the word "approved" and in...

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

October 3, 2016

MS. WILLENBRINK: Chair?

CHAIR VICTORINO: What's that?

MS. WILLENBRINK: You're reading the disapproval.

CHAIR VICTORINO: Oh, excuse me. I read the wrong one. Thank you for your correction. I'm sorry. Let's go on the right one. Entertain a motion to adopt the proposed resolution entitled Relating to the Appointment of Caron Green to the Lanai Planning Commission as, for Exhibit "A." Mr. Couch?

VICE-CHAIR COUCH: So move, Mr. Chair.

COUNCILMEMBER HOKAMA: Second.

CHAIR VICTORINO: It's been moved by Mr. Couch and seconded by Mr. Hokama. Any further discussion? And at this time, Ms. Green, you wanted to add something so I'll let you --

COUNCILMEMBER HOKAMA: Chairman?

CHAIR VICTORINO: --speak at this point.

COUNCILMEMBER HOKAMA: Point of order.

CHAIR VICTORINO: Oh, yes, sir?

COUNCILMEMBER HOKAMA: We're under discussion. This is only Members' discussion.

CHAIR VICTORINO: Okay. All right. Then, Ms. Green, hang on. If there's any more questions for you, I will call upon you. Mr. Hokama?

COUNCILMEMBER HOKAMA: Chairman, I would first cede to Mr. Couch as the maker of the motion if he has any comments, if not, I would ask for recognition. Thank you.

VICE-CHAIR COUCH: I'll yield to the --

CHAIR VICTORINO: Okay.

VICE-CHAIR COUCH: --Members.

CHAIR VICTORINO: Go ahead, Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, Ms. Green is before us this morning, she has put herself up, she has shown her willingness to provide community service in various areas that she has documented for us. I will tell her she did leave out one thing that I thought should be mentioned, she had an interest in our residents during their

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

October 3, 2016

experience and needs of stay at Lanai Community Hospital. She found a need for an idea that was embraced by the community regarding a type of, if I could use the phrase appropriately, serenity garden. And she took a giant bull by the horns, worked with many community partners. I tried to assist with whatever appropriate funding was made available through the County. And they made it happen. If you go to our community hospital, you will see a beautiful garden that the residents can enjoy as part of their ability to recuperate in a quiet, serene, tranquil environment during their stay at the hospital, especially for those of our community that is in need of long-term care services and our limited facilities on the island. So this is something that Ms. Green has done from her heart to the community. I wish that, you know, I'm hoping that she be recognized for this type of volunteer service, and one of the reasons why I'm happy to give her an opportunity this morning to give another type of service to the community as a future Planning Commissioner. And Lanai, we've got 3,300 pairs of eyes watching everything we do, including myself. So again, knowing that, I think the community will be watching and seeing how we all perform, including Ms. Green. But this morning, I am happy to give her, her opportunity to give service and I would ask the Committee for that consideration. Thank you.

CHAIR VICTORINO: Thank you very much. Any other discussion? Seeing none, all those in favor, signify by saying "aye."

COUNCILMEMBERS: Aye.

CHAIR VICTORINO: Opposed? Let it, let the record show five "ayes," no opposed, and Ms. Cochran, Ms. Crivello, Mr. Guzman, and Mr. White all excused.

VOTE: **AYES:** **Chair Victorino, Vice-Chair Couch, and Councilmembers Baisa, Carroll, and Hokama.**

NOES: **None.**

EXC.: **Councilmembers Cochran, Crivello, Guzman, and White.**

ABSENT: **None.**

ABSTAIN: **None.**

MOTION CARRIED

ACTION: Recommending ADOPTION of resolution approving the nomination.

CHAIR VICTORINO: Congratulations, Ms. Green. And I wish you nothing but continued success. And I guess what I would recommend is Mr. Hokama is a real historian also so if you have questions about history, Mr. Hokama can cover that for you. Ms. Green?

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui**

October 3, 2016

MS. GREEN: Thank you, Chair. And thank you, Mr. Hokama, I appreciate very much your comments. And I do appreciate the help that you gave us in doing the serenity garden, we couldn't have done it without the funding that we got from the County, and I know you were instrumental in making that happen. I will say that I'm very proud of the fact that the walkway up to the dialysis center before we did the serenity garden was not ADA compliant, and we were able to put in new sidewalks so that that area is now ADA compliant. And we also have put in some furniture so people can go there and have lunch or sit and just enjoy the tranquility. So I'm very happy. It's a work in progress as all gardens are, but I'm very happy that Mr. Hokama helped us make that happen. I did have two other comments and one of them...

CHAIR VICTORINO: Ms. Green? Ms. Green? Ms. Green --

MS. GREEN: Yes?

CHAIR VICTORINO: --I beg to do this to you and I'm sorry, but I'm going to cut you off at this time because we have other business we must accomplish today. I just want to say congratulations.

MS. GREEN: Okay, I have one very important thing. Just let me say one thing. I had received some information on the Planning Commission, and it says that the replacement position expires in March 2019. Your paper shows that it retires in or expires in March of 2020 so I just would like to see that, you know, which one it is.

CHAIR VICTORINO: We will follow up on that because my records say it's 2020. Ms. Willenbrink?

MS. WILLENBRINK: That's correct.

CHAIR VICTORINO: So unless there's some...Mr. Molina?

MR. MOLINA: Yeah, we're in concurrence. I believe the term is 2020.

CHAIR VICTORINO: Twenty-twenty. So I don't know what you received, but your term goes to March 31, 2020.

MS. GREEN: Thank you very much.

CHAIR VICTORINO: Thank you, Ms. Green. And you have a great day. Thank you, Lanai, you can now hang up. At this time I'll take a quick break if you don't mind, panelists. We'll give the... 'cause we're bare quorum so we gotta give a little break. So we're going to take about a ten-minute...five-minute break. Let's return by no later than seven after 10:00. ...*(gavel)*...

RECESS: 10:02 a.m.

RECONVENE: 10:09 a.m.

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

October 3, 2016

CHAIR VICTORINO: . . .*(gavel)*. . . The meeting of the Policy and Intergovernmental Affairs Committee will come back together. Ladies and gentlemen of the public, what we're going to do is we're going to take a longer recess. We have the Filipino flag raising ceremony that we were requested to attend at 10:15, and it's 10 minutes after 10:00, so we will be reconvening sometime in the next 20 minutes or so. I will not give a specific time. But as soon as the flag ceremony is completed we will return and complete our business. So this meeting is now in recess. . . .*(gavel)*. . .

RECESS: 10:10 a.m.

RECONVENE: 10:36 a.m.

CHAIR VICTORINO: . . .*(gavel)*. . . The meeting of the Policy and Intergovernmental Affairs Committee will reconvene. I want to thank the public first of all for allowing us that break to be able to partake in the flag raising ceremony. That was very heart warming.

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

CHAIR VICTORINO: And so now we are moving to Item No. 2 which is Protecting and Preserving Public Health and Safety, and Welfare, PIA-61. The Committee is in receipt of County Communication 15-296, from the Mayor, transmitting five proposed bills, including a bill entitled A Bill for an Ordinance Amending Title 8, Maui County Code, by Adding Prohibitions Relating to Lying Down on Public Sidewalks. The purpose of the proposed bill is to amend Maui County Code to prohibit people from lying down on public sidewalks. Ladies and gentlemen, I would like today to focus on our discussion on this bill listed on the agenda. Now there's others in the County Communication, but I thought this would be a particularly good starting point. I want the public to know that we here on the Council and the Administration, Mr. Mayor Arakawa really empathize and have been looking for solutions, and we have been putting money towards the homeless situation, but it is a very daunting task. There is no quick fix, there's no silver bullet. So I want the public that is watching this to know that today we're just attempting to work one phase. Now we've also been told by certain areas and I'll bring that up with our expert panelists and some testimony received from a United States' agency saying that some of these restrictions are illegal or unconstitutional. But the challenge is when and how do we fix it if we are prohibited from stopping these people from lying on the sidewalk which creates a not only dangerous situation but a very scary situation, especially for our women? Because I have heard many times in the public from women saying they feel very uncomfortable A, when they go to restrooms or B, when they're walking on the street and they are solicited for money or other items and if they say no or they ignore them, they get, you know, lambasted and use some foul language at 'em, and that's very inappropriate. This is not Maui, and we need to really address this problem. So at this time, I would like to take a moment to introduce the various panelists that we are, have the good

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

October 3, 2016

fortune of having here. We'll start to my far right with our Mayor, Mr. Mayor Alan Arakawa. Thank you for being here, Mayor. Deputy Director of Human...Housing and Human Concerns, Jan Shishido. Good morning. You guys can use the mic and say good morning, no shame. I not going get upset.

MS. SHISHIDO: Good morning.

MAYOR ARAKAWA: Good morning.

CHAIR VICTORINO: Okay. I just want to make sure everybody's with us, you know what I mean? We have our Chief of Police. Chief, thank you for being here very much.

MR. FAAUMU: Good morning, Mr. Chair.

CHAIR VICTORINO: Thank you, Chief. You know what, I always get hard time pronounce your name, would you do that for the public's, the way you need to pronounce your name?

MR. FAAUMU: Chief Tivoli Faaumu.

CHAIR VICTORINO: Faaumu. Okay. I say that but I get corrected sometime by those who don't know better. Thank you very, very much. And finally we have Gavin Thornton from the, he is the Co-Executive Director, Hawaii Appleseed Center of Law and Economic Justice. And I want to welcome Gavin, thank you very much for being here.

MR. THORNTON: Thank you so much for having me. I really appreciate it.

CHAIR VICTORINO: Oh, thank you. So we have four strong, knowledgeable people in this area. What I would like to do at this time is at this point I would like to have Corporation Counsel and we have Caleb Rowe here to give us an opening overview of this, and then I will then go to the Mayor and...in fact, before I do you, Caleb, let me do it the right way. I will allow the Mayor to give an opening statement because he was the presenter of this. He sent it up from...sent it down from his Administration. So, Mayor Arakawa, would you like to start the proceedings and then we'll move from there?

MAYOR ARAKAWA: Thank you very much, Committee Chair Victorino and Councilmembers. I would like to point out that when we sent down this, we sent it as a package and contrary to what is being said today, it has to be dealt with as a complete package. Because individually some of these rules if taken out of the package will become unconstitutional and illegal, okay. In order for us to be able to do a lot of these rule policies, we are going to have to be able to provide restroom facilities, we're going to be able to have to provide housing, we're going to have to provide the social service background to be able to do the psychiatric care, the care that is needed for the homeless population. What we sent down was a comprehensive package that addresses each of these areas so that as we take care of these areas then these laws can then be enacted and enforced. Until we provide the opportunities for the

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

October 3, 2016

homeless to be able to go someplace and do something...for instance, we have to have bathrooms; otherwise, we can't expect them to use the restroom in the proper way. We have to be able to have places for them to live in order for them to be able to, for us to be able to say okay, you have someplace where you can sleep, someplace where you can call home so the sidewalk is then inappropriate. So that is the comprehensive package that we sent down and needs to be addressed as a comprehensive package. All of the different areas, including the social service agencies, those need to come into play first. As we get those opportunities in place then these laws become more relevant and become more enforceable. In our community, we teach our children common courtesy, we teach them good health practices, we don't encourage our children to use the bathroom in public on the sidewalk, we actually ask them to use it in the appropriate places, the restroom facilities. We ask people to sleep in homes in beds, and we would find it inappropriate if we did not provide these opportunities to try and force someone into someplace they don't have. So this is part of the package that we're looking at. All the rules that we sent down require and I will emphasize require us to be able to deal with the needs of the homeless community first. Once we have that in place, our public should expect and should deserve to have the ability to have rights as well. They should be able to walk on the sidewalk without fear. We should be able to use the sidewalks without having to worry about someone on a skateboard running over someone sleeping on the sidewalk. In the evening, being able to walk on the sidewalk without tripping over someone and possibly causing them harm as well, and I would also point out that we can be sued if we hurt somebody even though unwittingly. So our legal system also works against creating a dangerous condition where somebody can get hurt without us as a community addressing those opportunities. As an Administration, I encourage all of you to look at all of these bills comprehensively and be able to put them in their proper perspective. While I want you to pass these laws, the no lying on sidewalks, I also want you to make sure that we have appropriate housing for the homeless, appropriate care for the homeless, appropriate programs so that we can have them treated as needed to be treated for whatever issues they have which is why we also sent down bills for the social service program funding. We also sent down bills for appropriate housing, to start those programs. It's not to be taken out of context individually, because you will find legal challenges if you don't allow the cure to be in place before the implementation of the laws. Okay. I want to be very clear about that. The cure has to be there before the implementation of these kinds of laws which will become onerous if it's not possible for our homeless to be able to have someplace to be. And with that I will conclude. Thank you, Mr. Chairman.

CHAIR VICTORINO: Thank you, Mayor Arakawa. And just for the public as well as the Councilmembers, you all have a copy, I know the Councilmembers have a copy of all the bills that was sent down. And just for the public to understand what Mayor Arakawa was talking about, we have Chapter 8.40, Prohibition Relating to Defecating or Urinating in Public Places. That was part of this package. We also have Chapter 8.21, Liquor in County Municipal Parking Lots and Other Public Areas. We have the one relating to the lying down on public sidewalks which we're talking about today. And finally we have Chapter 8.38, Prohibition Relating to Taking or

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

October 3, 2016

Abandoning of Shopping Carts. That was the comprehensive package you were referring to, am I correct?

MAYOR ARAKAWA: And may I also add on, this, when we sent this down was to start the discussion, so we're open to any other suggestions that you may have, any other rules that you may want to implement, or any solutions to the homeless problem that you have. You know when we sent this down I think in November, the idea was for us to start having good discussions about all these possibilities so that we could all review and come up with the best suggestions. But we had to start someplace so this is what we put together as a starting point. Thank you.

CHAIR VICTORINO: Thank you, Mayor. And that's exactly what we're trying to do today, get a real good feel on our starting points and to move ahead. You know I don't expect any Legislative action to be completed today but I think we would like to see some discussion and that's why all these people are here today. I want to thank them for taking the time. Now I'll go over to you, Ms. Jan Shishido. Ms. Shishido, if you have comments on this bill and the others that Mayor Arakawa has referred to? I won't go into the budget and finance 'cause that's not my area, but I would hope that you would speak to that, Chair, and see if we can get something done in that area. But go ahead, Ms. Shishido.

MS. SHISHIDO: Thank you, Chair Victorino and Councilmembers. Good morning. Thank you, Mayor, for that very comprehensive, comprehensive package, because I totally agree with the Mayor that it has to start with the comprehensive part of this whole system. And for me I really have to start off as I see Chief here, to really commend the crisis intervention team that has brought light to the homeless issue. This team was established in 2013 as the first of its kind to be able to utilize community partnerships to better understand the critical conditions of individuals, especially with mental illness. And at this time, I'd like to commend the Community Police Division for assisting the County in able to really look at the whole realm of homelessness. In regards to the bill, it is...if you notice, I just wanted to state that if you notice, the Maui Homeless Alliance were notified, the Maui Homeless Alliance is not here, and it's basically they want to keep the relationship with the homeless at a very relational commitment to them. And so to be here in regards to having police here and to kind of look at criminalizing these issues, they needed to step back. And I'm not speaking on behalf of the Maui Homeless Alliance but just wanted to just conclude with saying that I support this but as a whole comprehensive package as the Mayor has stated. Thank you.

CHAIR VICTORINO: Okay, we'll go to you, Chief Faaumu. Go ahead.

MR. FAAUMU: Thank you, Mr. Chairman, Councilmembers. You know one might ask why do the police get involved in this? You know our position is we enforce the law. But the reason why we get involved and we support it is that we find ourselves not only dealing with the criminal elements of society but we also dealing with the social challenges that we are facing. Our police officers are out there every day dealing with this. Studies have shown that most officers-involved shooting that happen in the

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

October 3, 2016

mainland, a high percentage of that involve folks that have some mentally challenge. It is not something that we want. I want to compliment the Mayor for looking into it and at least providing us tools that we can use on our daily duty as we're out there patrolling. One might ask, Chief, what do you have? Just to give you folks an idea, in the past 12 months, we have 6,400 incidents that we documented involving someone that, a homeless person or homeless persons that were identified as responsible in this incidents. The top five incidents involving homeless persons that we are dealing with: criminal contempt, disorderly conduct, criminal trespass, harassment, and failure to appear. We also look at geographically location where folks are loitering or hanging out. The top five location is Wailuku, Lahaina, Kihei, Kahului, and Paia. But besides being irresponsible 'cause we can say well, they have some mental issues that they cannot be responsible for it. But we also have 1,677 incidents of homeless person were identified as victims in an assault, abuse, harassment, attempted suicide, or requesting police assistance. For the Police Department it is a challenge for us. I remember when I went through recruit school, they taught us how to catch a criminal. Now I find our frontline officers dealing with folks that have some mental challenges. And I commended the training from my predecessors that involved the crisis intervention training. The Police Chiefs Association are looking at this training. We need to train our officers now to deal with this. If you look at incidents like assault or behavior displayed by these individuals, a behavior that we look at it and we are trained to stop. But in a mental-challenged individual or consumers is a normal behavior. But for our police officers, it cannot be tolerated, it needs to be stopped for the protection of that individual and also the public and the police officers. That is a challenge. Sometimes the end result is not the result that we want in our community. Since as a Chief I've been in...we had two incidents of officer-involved shooting, and I can tell you sitting there and talking to these individuals is not...I can see it in their eyes how they wish they can turn the clock to see if they can find a way to deal with this. It's a very challenging thing. Because you identify the behavior, you're going to stop the behavior, and then you need to save the individual. Now think about that, it's not easy for an individual. You know one might say well, Chief, that's what you're trained to do, but I think the common denominator, we're all human being so it does affect us. And with that I really support the bill. And of course on a side note, we're also dealing with hazardous waste. We're also dealing with liquid waste that we have to clean up. We need to get the expert there to make sure it's being cleaned up and make that area safe for the public and also for our officers. And with that I thank you, Mr. Chairman, for the opportunity to present our concern for the Maui Police Department. Thank you.

CHAIR VICTORINO: Thank you, Chief. And I want to say that Maui's finest do an outstanding job across the board. And it's a difficult task because our needs and our communities have changed so drastically. Like you said, you were taught to catch criminals and today they do a vast number of jobs. And this is not only the homeless situation but I'll go comment that, you know, domestic violence, that you were on the front page wearing that high heels and walking a mile. Chief, thank you very much. But just the awareness of all the challenges we face as a community and that's just the tip of the iceberg. So I'll move on, if I may, to Gavin Thornton, the Co-Executive Director of Hawaii Appleseed Center for Law and Economic Justice. And, Gavin,

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

October 3, 2016

would you give us a little explanation on what this specifically and your foundation or your group does? And then, you know, we can...you can go and give your discussion points.

MR. THORNTON: Certainly. Thank you, Chair Victorino and Members of the Council. I really appreciate the opportunity to be here and to have been invited to speak to you about this issue. So Hawaii Appleseed is a nonprofit organization. We do a lot of policy research and development of recommendations that are aimed at addressing issues faced by people in poverty, people that are economically struggling. And housing and homelessness is a big area that we work in, really trying to find evidence-based practices to implement that will provide the greatest likelihood of resolving these types of problems. And we are based out of Honolulu but a Statewide organization that really focuses on policies that have a Statewide impact. And I also want to mention, you know, this is such a difficult problem and I come here not only with my Hawaii Appleseed hat but also from a, with a personal perspective. You know I have three daughters that bike to school every day, that bike past a man that sleeps right across the sidewalk at the bottom of our hill that obviously has some mental illness. I have a lot of the same concerns that we heard about this morning from the good folks that testified. And really the question for me is, you know, how do we best address those types of problems? And, you know, I'm really prepared today to talk about the sit-lie provision that's been proposed. And I'm not as familiar unfortunately with the other part of the package regarding interventions it sounds like and the budget piece. But with the sit-lie issue, I want to talk about what it can do. And really what it can do is move people from a certain area to another area. That's really the main thing that we've seen in, on Oahu is that, you know, homeless folks have to be somewhere, and you can force them to leave a certain area but they have to end up somewhere. And I think, you know, I really appreciated what the Mayor had to say about needing to ensure that they have a place to go before implementing something like this. What sit-lie cannot do is address the root causes of homelessness, it can't provide a home, it can't provide a job. It hasn't even proven to be successful in getting people into shelters. Now it sounds like on Maui there's an issue with shelter capacity and that they're at capacity. We don't have that same problem on Oahu, we have shelters that have beds available, but people don't want to use them because of the rules and restrictions that they have to follow, concerns about their own safety, about being forced into a place where there are people with mental illness. Bedbugs is another concern that's come up, not being able to have pets, all kinds of reasons why people don't use the shelters. And I think when sit-lie was implemented for Honolulu, there was a hope that this would really push people into shelter and that hasn't come to fruition, that hasn't actually happened. You know another thing that this can't do and really a major problem is addressing the mental health and substance abuse problems. Now that is a segment of the homeless population has those types of issues, it's definitely not everybody. There's really a wide spectrum of folks that make up the homeless population, including working families with kids that just simply can't afford a home. But, you know, addressing those mental health problems is really I think key to a lot of the concerns that we've heard about today. And that's a very difficult thing to do. And so I want to talk about just a few of the risks of something like sit-lie. It can actually make the problem worse and at great cost. So,

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

October 3, 2016

you know, you have by criminalizing this behavior, I mean you have to have some kind of stick, fining people, putting people in jail. Putting people in jail, that's a very expensive way, perhaps one of the most expensive ways of addressing homelessness, you know, there are much more cost effective approaches. Even providing someone with housing is cheaper than putting them in jail. Salt Lake City in Utah is a really great innovator in the area of addressing homelessness. And they looked at this issue, and Lloyd Pendleton, he's actually been out to Hawaii to talk to folks here, he's the Director of their Homelessness Task Force. And he studied the issue and found that the cost of the State of Utah criminalizing homelessness with measures similar to these was about \$20,000 per homeless person when you factor in jail time and EMT visits and other expenses. Whereas housing people costs about 8,000 to \$12,000. I also wanted to talk about one of the unintended consequences that we saw on Oahu. You know our sit-lie ordinance was geographically restricted so it applied only to certain areas. And the reason for that was because of concerns about the constitutionality. If you don't...just like the Mayor said earlier, if you don't have a place for folks to go, you can't really criminalize their status as a homeless person. You can't criminalize them getting to sleep at night. You need to have a place for them to go, so one way to ensure that it's constitutional is to limit its geographical, geographic scope. And so we heard from some folks, there was a homeless encampment in the area of Kakaako, hopefully you're all familiar with that, but a neighborhood in Honolulu that was actually pretty well run, kind of a safe place for homeless families. A lot of these folks went to work every day but had semi-permanent tent shelters there. When sit-lie was implemented, we saw a bunch of the homeless who were more like I guess lone-wolf types and in Waikiki migrate to this area in Kakaako and really disrupt that homeless encampment, making it a place that got a lot of media attention for awful things going on there, it being really unsafe. And that was forcing that migration through the sit-lie ordinance was something that I don't think anyone really anticipated, and had some adverse consequences, especially for the businesses in that area in Kakaako and also the folks in the encampment. You know one other concern is that enacting criminalization ordinances like this is something that the US Department of Housing and Urban Development is against, and it could result in the loss of HUD funding which is a significant part of the resources available to address homelessness problems. So I'll end these preliminary comments with just a few recommendations regarding the sit-lie ordinance in particular. I just want to stress how important it is to really have a good understanding of--and it's obvious that you're trying to do this--of the facts of the situation and what's reasonable, a reasonable goal for what you're trying to accomplish. What exactly does this proposed legislation hope to accomplish? If it's end homelessness, that's not going to do it. Where will people go, what are the lawful alternatives? What are the features of Maui's particular homeless population, who are these folks, and why are they homeless? Also, limiting the geographic scope is very important. And then, you know, I really think the most important piece is the Mayor's point again, providing the services, ensuring that there is an alternative, a way to help people out of homelessness. So thank you very much.

CHAIR VICTORINO: Thank you, Mr. Thornton, for your comprehensive overview. I believe all of you have brought to light a number of issues that we know exists and I will

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

October 3, 2016

Corporation Counsel, Mr. Rowe over there, if he doesn't mind adding to this. And then we can open to discussion. Mr. Rowe?

MR. ROWE: Thank you, Chair. Just to I guess touch on the issue of constitutionality that was raised by another presenter. The basic premise of whether this will be constitutional would be whether or not this was narrowly tailored for a legitimate government purpose. Clearly, you know, the health and safety of the community is a legitimate government purpose, so the issue then becomes whether or not it's narrowly tailored. As mentioned, the City and County of Honolulu does have a geographic limitation on that, and that's their mechanism by trying to ensure that it's a narrowly tailored ordinance. For the purposes of the bill submitted by the Mayor, there are explicit exemptions in here that include people with medical conditions, people who are under the age of six years old, people who are working for the government, people who are spectating a parade or festival, and people who are engaged in expressive activity. And for those reasons we believe that those exemptions do make this narrowly tailored to address the specific issue that the government is trying to do. So that's our position I guess on the geographical issue. You know we don't really have a position on whether or not one should be, but we do feel that as it's currently written, it is narrowly tailored. We were also specifically asked about two lawsuits, well, one lawsuit in...against the City and County of Honolulu regarding some of their homeless ordinances. That one specifically was about the seizure of property by the City and County of Honolulu. There's no provision in the ordinance that we're looking at today regarding seizure of property so we don't believe that that's really applicable here. But we were asked to address it. There was also one on the Big Island that dealt with the issue of panhandling, basically going up to people and asking them for money, and again, this specific ordinance does not address that. There was a bill to that effect that was submitted by the Mayor along with the rest of his package, and we can speak to that when it does come before the Committee.

CHAIR VICTORINO: Are you done, Mr. Rowe?

MR. ROWE: Yes.

CHAIR VICTORINO: Thank you. And one more piece and I will then open the floor for discussion. We have a communication from a Katy Miller who is the Regional Coordinator from the United States Interagency Council on Homelessness. And, Ms. Willenbrink, would you do me this favor and read this to the...so that the public knows what this e-mail was all about, please?

MS. WILLENBRINK: Yes, thank you, Chair. Unfortunately, they're on the East Coast and were unable to attend either in person or by phone today but they did submit written testimony. It was good to connect with you by phone yesterday regarding the Council Committee meeting on Monday, October 3rd. I am sorry that we are unable to participate directly in your discussion about the proposed ordinance "to add prohibitions relating to lying down on public sidewalks." As the Council considers the many complex issues surrounding people who are living unsheltered and homeless in your community, it is important to carefully weigh any unintended consequences of

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

October 3, 2016

policy or action that may make it hard for individuals and families to exist...to exit homelessness in the future. For too many people, the experience of homelessness involves police encounters, fines, lockups, courts, or jail and prison cells as much as it does shelter beds. In fact, our national data shows that the number of Americans caught in a revolving door between the streets or shelters and jails may number in the tens of thousands. Of the 11 million people detained or incarcerated in jails every year, as many as 15 percent report having been homeless. Roughly 48,000 people entering shelters every year are coming nearly directly from prisons or jails. While homelessness has many causes, some of which have to do with larger economic forces, it is also caused and exacerbated by the policy choices that we make in our communities and as a nation. When communities pursue policies that criminalize homelessness, we contribute to and worsen the problem of homelessness, particularly unsheltered homelessness. We know that measures to punish or criminalize people for being homeless are costly and do not end homelessness. They divert community resources and attention away from proven solutions to homelessness. Instead of criminalizing homelessness, communities can: Create more affordable housing. Prioritize resources to serve those most at need, including people experiencing homelessness. Develop and sustain a housing crisis response system that ensures homelessness is rare, brief, and nonrecurring. Integrate mainstream systems of care with the housing crisis response system, combining housing with behavioral health and other essential services. Collaborate between law enforcement, behavioral health, and service providers to tailor interventions that connect people with housing, services, treatment...and treatment to meet the community's goal of reducing the number of people in public spaces. Nationally we have seen that when there are visibly increased numbers of people experiencing unsheltered homelessness, there is a clear shortage of affordable housing that is accessible to all people in the community. Outreach and access to permanent housing is the way to end homelessness. Housing First (permanent housing with low barriers to entry and services as needed) is an approach that we commonly talk about as a solution to homelessness. It is also a featured approach in Governor's Ige's recent State Framework to Address Homelessness in Hawaii. There are a number of resources on the USICH website related to alternatives to criminalization that may be useful in your discussions in Maui...and then she goes on to share those. I should have mentioned this comes from Katy Miller, the Regional Coordinator based in Seattle, Washington, the United States Interagency Council on Homelessness.

CHAIR VICTORINO: Thank you very, very much. And then also I want the Committee to know and the public to know that we also invited but he was unavailable, Scott Morishige who is the Governor's Coordinator on Homelessness. He was unable to attend today. So I did try to reach out to many, many facets, both Federal, State as well as local agencies for their assistance today. Because I don't take this lightly, I believe the public needs to be protected. But again, like Mr. Rowe has mentioned that, you know, we've got to make it correct, and if we do it the right way, it's enforceable. But like the Mayor has also mentioned, unless we have the facilities available for them to go somewhere, again, we're fighting a lost battle. I can tell you right now they cleaned up certain areas here in Maui like Kanaha Beach Park, well, they're right now if you go along Lower Beach Road just before you reach Y. Hata there's a new camp

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui**

October 3, 2016

there and that's all come up in the last week. And they're in other places, I see them. They're up here in Wailuku, they're all over, and I understand, you push them from one place and if there's no place to go, they just go somewhere else. Honolulu I've seen that example. They clean out the viaduct area by the airport and two weeks later you go by and they're all back. So it's an endless process, it's an endless problem that, you know, unless we really start to focus on some true solutions and part of it is facilities, we're going to keep spinning our wheel in the mud and we're going to be back here again and again, and again. Whether myself or Ms. Baisa are here or other Councilmembers, the problem will exist. So again, today was really a starting point. I hope this will get the public to understand we're just not sitting on our laurels, we want to find solutions, and with the Mayor and the Corporation Counsel, along with these experts are here, along with Maui's finest, our Police Department. And I know the Fire and emergency services are also taxed because a lot of them when they have emergencies, they go to emergency shelters...I mean emergency room and/or call for ambulance service. So I know, Chief, that's another area, and we were hoping the Fire Chief could have been available but he was unavailable today. He regrets that he could not attend. So at this point I think I've said enough. I'll start with you, Mr. Couch, as the Vice-Chair. You can ask anyone any question but I would like to keep it on the bill that we're discussing today. Because again, the rest should be done and I will try to bring it all forward as one package later, but I thought this would be the one that we could start and then move forward. So, Mr. Couch.

VICE-CHAIR COUCH: Thank you, Mr. Chair. And thank you, folks, for being here. One of the...the biggest concern I have is you heard a couple testifiers talk about their experiences and I guess this is maybe towards Mr. Thornton.

CHAIR VICTORINO: Okay, good.

VICE-CHAIR COUCH: You know you say sit and lie may make matters worse. How would you handle the experiences? I mean that's a typical experience and it happens all the time. How would you handle something like that? I know we gotta get people in there, but we also have to be able to...we need to get them into homes but we also need to be able to prevent something like that from happening.

CHAIR VICTORINO: Mr. Thornton?

MR. THORNTON: I don't have an easy answer for you unfortunately. So, you know, Honolulu has a sit-lie ordinance that covers a bunch of different parts of the island, and as I mentioned earlier like I still have a personal problem with the route that my kids travel to school. And I think that the attraction to ordinances like this is because they seem pretty straightforward and simple solutions. You make it illegal and then people don't do it anymore. But I don't think that that really plays out in reality, and I think the solutions that work are much more complex, they're much more expensive. Although in the long run perhaps not, but in terms of an upfront allocation of resources then it is more expensive. You know I think the written testimony that we heard today has some good ideas and there are websites referenced there with

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

October 3, 2016

additional ideas. But you look at those and they're not easy. So I'm sorry, not a great answer, not an easy answer.

VICE-CHAIR COUCH: Okay. And also you mentioned in your comment that something like this could result in loss of HUD funding. Is that currently happening on Oahu or I mean when you say it could result in loss of HUD funding, have you seen that happen and what triggers that?

MR. THORNTON: So and I'm not intimately familiar with this process, actually Jan might be more so. So every year this continuum of care, this group of homeless service providers for each County submits an application to HUD asking for funding. One of the questions on the application is, you know, you have to show what the continuum has done regarding policies that criminalize homelessness, and you get points for advocating against those policies. It's only 2 points out of I believe either 200 or 400 but it is very competitive. There's an article that I could circulate that talks about this issue. That would probably be more informative than anything I can say. I do not believe we...well, I know we lost funding last year and whether this was part of the issue, I don't know for sure.

CHAIR VICTORINO: Jan, would you be able to maybe bring a little more clarity to that question from Mr. Couch? Ms. Shishido?

MS. SHISHIDO: Thank you. Thank you for that question. And according to the HUD rules and we go back to the new HEARTH Act, there are numerous questions in regards to the criminalizing or the looking at laws. And so Gavin is correct in saying that because it's such a competitive process to get funds from the Federal government that it is critical. And I think like I had mentioned prior, that's why you don't see Maui Homeless Alliance here and how they don't want to be involved with the criminalization of homeless. So but to answer your question in full, I would, I can get you more information on the questions that they ask and what's on the application when we do have the competition of funds.

CHAIR VICTORINO: Make a note of that please, Ms. Willenbrink.

VICE-CHAIR COUCH: Okay. Well, thank you. Yeah, that's very interesting and would like to make sure we're, you know, that there is the balance issue that we have to deal with. But it's all pointing to the beginning of this whole thing, I think it was mentioned a couple times is that we need places for them to go.

CHAIR VICTORINO: Yeah. I think that we all agree --

VICE-CHAIR COUCH: We need to --

CHAIR VICTORINO: --with that, Mr. Couch.

VICE-CHAIR COUCH: --work on that and that's been a package that's been put out so we need to, I guess we need to coordinate and get that, get it all in one place --

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui**

October 3, 2016

CHAIR VICTORINO: Yeah.

VICE-CHAIR COUCH: --before we can do anything. There's plenty of other questions but I'll yield the floor. Thank you.

CHAIR VICTORINO: Yeah. And if you would allow me, I'll try to keep it like two questions per Councilmember. I didn't say that earlier, Mr. Couch, but I should have. I apologize. That way everybody gets a chance. So I'll go to Ms. Baisa next. Go ahead, Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair. And I have two quick questions and like Mr. Couch a whole bunch of others. But my first question is for the person who drafted this, why...we keep talking about a sit-lie bill and when I read this it only talks about lying down, and it even describes what lying down means.

CHAIR VICTORINO: Mr. Rowe, if you could address that question please?

MR. ROWE: Yes. When we were talking about the sit-lie bill, we were actually referring to the Honolulu ordinance. This specific bill as it was presented is only related to lying down. We were not asked to include sitting in there.

COUNCILMEMBER BAISA: Was there a reason that anybody had? Mr. Mayor --

CHAIR VICTORINO: Well, I think maybe the...

COUNCILMEMBER BAISA: --seems to know.

CHAIR VICTORINO: Okay, hang on, Ms. Baisa. Mr. Mayor, you were the drafter or you were the proposer of this bill so I'll ask you to address that question please.

MAYOR ARAKAWA: Well, thank you very much. Again, I'm going to emphasize, when we were looking at the homeless situation, the HUD funding...the HUD programs require us to look at housing first.

COUNCILMEMBER BAISA: Right.

MAYOR ARAKAWA: So all of the nonprofit agencies when we had our meetings, we all agreed housing first. Okay. That's why we came with proposals of being able to put up different kinds of housing, being able to acquire different properties, being able to create more funding to the nonprofits to be able to develop the ability to house and to care for the homeless first. These bills are supposed to come into play after we address the housing first programs. And I will tell you Honolulu has failed fairly miserably because the way that they've done it is not sequentially correct. Our administrative bills which is why I tried to point out earlier, taking these penalty bills first put the cart before the horse. We wanted very clearly to address the housing components, the care components, funding the nonprofits so that they could expand

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

October 3, 2016

their continuum of care programs. Because even though we're funding them right now, the biggest challenge is that we are...they are not able to take care of the masses that we have in the homeless population. If we can first expand them to the point where they absorb the homeless population then most of these bills at that point should be considered. Right now on Maui, we have very few people that are lying on sidewalks. At the point where we get everything taken care of, these kinds of bills should not be considered discriminatory but rather at that point should then be considered, because we'll have seen what the outcome of the housing first programs are. These were meant to follow the housing first programs, the ability to create all of these particular things that we needed to help the homeless first. The Chair is absolutely correct, you cannot move people from one place and expect them to just disappear. People are going to have to live someplace. And I've been proposing for quite some time that we create these housing areas for them to live, and we give them the proper social service care depending on what their particular needs are. If you put these kinds of bills in front of it, they're not going to make sense which is why we need to go back to the original basis, what we sent down, take care of the challenges of the nonprofit area, take care of the housing, take care of the programs, and after that, then these kinds of bills can be talked about. Putting the cart before the horse is not going to make sense. And everybody...and that's why I said earlier on, if we don't do the housing first, some of these programs will be deemed almost illegal. Once we do the housing first, we have people where we can do the services that are necessary, we can provide those services that are necessary, then obnoxious behavior is something that we can go after. You know right now we have people that try to go to the beach and they're being accosted at the beach. We have people that are trying to go shopping and they're afraid to go shopping. We cannot allow the situation to expand in our community where everyone is afraid. All of the studies and Carol Reimann did a Viewpoint in the paper six months, eight months ago that basically pointed out the economics of the Housing First program. It costs almost two times to be able to care for someone who is homeless than it is to provide housing and the appropriate care for people that are homeless. And I witnessed this firsthand in Honolulu, my daughter was going to Straub, and police officers were bringing in a homeless person. They only bring him in just about every other day to emergency care. It costs the taxpayers and the medical program considerably more, because we're not...they're not putting them in the proper care with the proper backup nonprofit programs. We have excellent nonprofit programs we fund here on Maui, and I commend all of you Councilmembers because it's been year in, year out we've been funding a lot of the nonprofits far and above what all the rest of the State is doing. And I agree with Councilmember Hokama when he tells me health and safety are the responsibility of the Department of Health. It's a State responsibility that we are stepping into because we are forced to step into it. In theory, all of this should be sponsored by the Department of Health and State funding, and a lot of the nonprofits that we supplement should be from the State funds. But as a community, we know that if we don't intervene and we don't do something, nothing will be done, and we have to live in this community. Just because something is not being done by somebody else does not give us the, I guess the authority to sit back, close our eyes, and pretend it's not happening. And that's what I'm asking you for to help for. We're trying to help in an area that the State should be doing. We're trying to provide housing that the State Department of Health should be

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

October 3, 2016

taking care of. We're trying to provide the social service programs that the State Department of Health should be paying for. But I'm asking all of you as members of this community to use our funding to the degree that we can, get as much State and Federal funding as we possibly can but let's do the housing first. Let's take care of this in a logical fashion. Let's take the fear out of our community by also after we do the housing and after we do the programs, then providing these kinds of laws so that the community can be protected as well. But it needs to be the Housing First program and then these kinds of laws.

CHAIR VICTORINO: Thank you, Mr. Mayor. And your next question, Ms. Baisa?

COUNCILMEMBER BAISA: Yes, well, I don't know that there's any question that I can ask that isn't going to take us back to where we are, and where we are right now is I think it's becoming abundantly clear that what we should be discussing here is the housing first funding and programs. Because to discuss any of these other things is going to take us right back to we need to take care of housing first which to me is elementary, we all know that. We all know that. So, you know, we can sit here and try to discuss a bill but every time we try to ask a question...I'm trying to find the nuances of the bill, we keep going back to this isn't going to work because we don't have the housing. So I get that very clear, Chair, and to me, if I'm going to discuss this, we gotta discuss how we're going to put these people somewhere, otherwise none of this is going to work. Thank you.

CHAIR VICTORINO: I agree with you, Ms. Baisa, and I think it becomes very apparent that, you know, we are putting the cart before the horse, but we needed some discussion and this was my only means of getting some discussion today. Yes. I know, you know, some people say why, but this is one methodology of getting the discussion points out, and so maybe we can move on some other areas. But I wanted the different agencies as well as our Police Department to at least give us their input, you know, I think that's fair. Chief, you have something you'd like to add? Please.

MR. FAAUMU: Yes, thank you, Mr. Chairman, for allowing me to comment on this. As I sat here and I listened to all the discussion and I know we...is the bigger problems than what we have and we need, you know, housing and we need these. But the bottom line is when the community calls for help, they call me. And what I'm asking...and I know we need to get the housing, but what I'm looking for is at least provide me with the tools in the meantime to do something, you know, to provide the service. You know and I'm here to protect everybody, whether you are homeless or a resident. You know my position or my job is my responsibility is to protect you, but I need the tools to do it. And I know comments were made about turning homeless into a criminal. What we have done in the past and I know, I can speak for that, I was a commander in our cellblock in central detention. We did what we call a pre-jail diversion where we work with the stakeholders that have interests in it, we have a monthly meeting. So and provide tools for our police officers so when they come across homeless, they call dispatch, dispatch will then look it up and make a phone call to a counselor, and then we work with the judiciary system where the individual will come through but not your traditional court hearing where the individual will come in and out. It was a

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

October 3, 2016

revolving door when I was there, and I know the program, the pre-jail diversion program was started on Big Island and I know is working. For police officers what we're looking at is finding that balance between officer safety and the threat that they are dealing with, and also to protect that individual. It's not an easy task. And I know you had seen things that happened in the mainland, you know, where police officers are dealing with it. We dealt with that, we dealt with an individual that came out of a car and point his finger at police officers. We have to go through that in a matter of seconds to determine whether the threat is real or not. So what I'm asking is I'm asking for something that we can work with, you know, until the lawmakers and the folks that decides on the bigger solution to this. But in the meantime, I'm the one on the street that have to deal with, I'm the one that respond to, I'm the one that will take your phone call when you call me that some of your constituents are calling you complaining about the homeless issue. I'm looking for a solution. I'm looking for something that I can work with, something that I can pass it on to our police officers, 'cause if we do it wrong I'll be right here asking you for money because somebody else is suing us. And thank you, Mr. Chairman.

CHAIR VICTORINO: Thank you, Chief. And I think you made your point. I agree with the Mayor, we need the resources and the facilities, but I also agree with you, the public is clamoring for some help to prevent their uneasiness, their fear that is starting to grip our communities. And it's not to say that homeless people are the problem, but it is the visible problem that we see. And I think that's what I want to bring across the table. Mr. Carroll?

COUNCILMEMBER CARROLL: Thank you, Chair. It is a difficult problem. In Honolulu when I was at the Legislature, many times I went to the shelter over there, helped to serve food and I talked with them. I talked to a lot of homeless people over there on the street. On Maui I've talked to a lot of people and it's divided. You have people that'll accept the shelters, you have people that want to live outside. You have people that are homeless by circumstance, and you have people that are homeless by choice. But I think we're forgetting something, what we're talking about today. We're talking about inappropriate behavior which covers all of them and covers everybody in this room and everybody in Maui. We can't make excuses for the homeless for inappropriate behavior. They need to realize along with me, you, and everybody else, there are certain things you do not do. I cannot refer to the other bills before us because they're not on the agenda. I wish I could. But what we have today is simply addressing inappropriate behavior that has a detrimental effect on not only the general public but the people that do do this, that lay down on the streets. I have heard how many stories about homeless laying over there on the streets and usually a younger person walking by and give 'em a couple of kicks in the ribs. Oh yeah, it happens, I'm sure that you know. It's been documented enough times too. This is not only to keep our people safe, not get our children scared or endangered, it's also to protect them, and I think that's what we need to be looking at. And that's why I support . . . *(inaudible)* . . . today. The Chair has said he didn't want to pass this out today. I would disagree. I think this is something that's for the safety and welfare not only of the general public and for the common good, but it's for the good of those people that are out there. And I know a lot of them, I've had family members that were there by

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

October 3, 2016

choice. I think this bill is something that's appropriate. I think it's something we have to do. I'm sure it can be controversial to somebody that wants to bring up a lot of things. And I wish I could talk about the other bills, I really do. But I think it's something that we need to do, Chair. I would request and I would ask that you bring this up for a vote today, because I think it needs to be addressed. I think it's something that if we postpone, how many people are going to get hurt, homeless and otherwise? How many people are going to suffer because we don't take action? This has been around so long that I cannot even imagine it needs more discussion. If the Councilmembers here cannot make up their minds on that now, well, that's something, but I think it should be put forth, and at least the Members should have a chance to go over there and say yea or nay. If they say nay, well, then obviously they have more discussion. But I really feel strongly that it's something we need to do for the aforementioned reasons. Thank you, Chair. And I have no other questions for the staff. Thank you.

CHAIR VICTORINO: Thank you, Mr. Carroll. I'll turn to Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. I had the opportunity to meet with SHOPO members regarding our, the possibility of drafting further vagrancy laws, and one of the main topics came up was the manpower to enforce these type of, I guess, ordinances. And currently what I've heard is that we don't even have enough manpower to address the abandoned vehicles that we have. When we're setting up laws such as these that it makes it a crime just to lie down on the sidewalk, I look at other criminal laws that we already have in the books which is disorderly conduct. That's a person, any public person can call the police and file or write out a report for disorderly conduct, harassment. Individuals can do that as well. But to make it a crime just to lie on the street or on the sidewalk without any, you know, purposeful intent other than lying on the sidewalk, I don't find that reasonable. I agree with the Hawaii Appleseed that if you look at other jurisdictions, it's been proven that these type of laws don't really take care of the homeless. They're used more or less to transport them or to identify the homeless. So what we would have here is an officer arresting this homeless person and since it's a petty misdemeanor, jailable. That person would be arrested, the officer would have the choice to put them in jail. They would then have 30 days in there unless they could post bond which they couldn't post bond. They would have a court date set, have to appear in court. Since it's jailable, there would be a public defender assigned to them, and then at that point if they, it was found to be mental, the judge would probably order that person to be put on the mental health calendar case. I had the opportunity when I was in private practice to have two of those cases and it took years. Two individuals, it took years to get them housed and cleaned up and placed on...even one of them was able to go to school. But the social work hours that put into just one person is incredible. So I can see this working out if in fact you have something like what the Mayor is proposing, some type of place where you can place them, and then the social work could happen via the court system when you pick them up for this arrest. But standing alone, making it a crime, I don't see how this would work. You just put them...you'd put more pressure on the system that's already stressed, social work, the court system, the police officers, all the way around unless there's a program in place that somehow

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

October 3, 2016

utilizes this law. So at this point, I can't go along with this law without having some type of purpose for it. So thank you, Chair. I don't really have that much of a question, just statements because I've already spoken to SHOPO and asked them about, you know, the manpower, how would we enforce these types of laws. So thank you, Chair.

CHAIR VICTORINO: Thank you, Mr. Guzman. Mr....Mr. Hokama, excuse me.

COUNCILMEMBER HOKAMA: Chairman, first I want to thank you for bringing the subject matter to your Committee this morning. I think it's healthy we have a good discussion relating the factors that impact this subject. I view this a little differently, Mr. Chairman, and my questions would be accordingly. And I understand the need of individuals that have certain challenges, whether it be physical, mental, economic regarding this subject of homelessness. One thing that for me I would like us to also take into consideration is while we discuss this issue, let us not forget under our republic form of government, there is still a need to protect the majority for their public and safety. Not just those individuals or a small group of those unfortunate. The greater task is still to protect the safety and health of the greater community. So for me one of the things that I would ask is it because our laws are so currently lax that we've become a haven for homelessness?

CHAIR VICTORINO: Who would you like wanting to address that question?

COUNCILMEMBER HOKAMA: You know I would say --

CHAIR VICTORINO: Chief?

COUNCILMEMBER HOKAMA: --maybe the Mayor first since he proposed it.

CHAIR VICTORINO: Okay.

COUNCILMEMBER HOKAMA: And I just bring this up because I'm getting the questions on Lanai --

CHAIR VICTORINO: Yeah.

COUNCILMEMBER HOKAMA: --especially when we know on Lanai, private property owners don't tend to allow vagrancy or unauthorized use, including the major landowner. So for on Lanai like on our North Shore, how does someone who waves a machete at our own people telling us he's there to protect our island while we know he's not even part of our island? Their first question to me is how do they even get here, Mr. Hokama? I have no clue because we know they're not one of ours. Okay. So what happens to the community that wants protection from this? The '60s and '70s, Lanai never did have a hippie issue because the island took care of it. Okay. And that's my concern, if we don't do the appropriate requirements of governors...of government through our governance, local communities are going to find local solutions to their local problems. Okay. And I don't need the Chief to take on a whole community because there's no

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

October 3, 2016

support, direction, or understanding from those that have been given some level of authority which is the nine of us and Mr. Mayor as the elected officials of this County. So that's my first question if...and, you know, if we cannot get that answered today, Chairman, I understand, it's a very broad, generic question. But one of my concern is is part of it our lax approach to enforcement or our current laws and that now we are being taken advantage of our aloha spirit?

CHAIR VICTORINO: Well, let's give the Mayor a crack at it.

COUNCILMEMBER HOKAMA: And the, and part --

CHAIR VICTORINO: Oh, okay.

COUNCILMEMBER HOKAMA: --of that, if the Mayor would also care to address this, because then who is supposed to protect the general community?

CHAIR VICTORINO: Okay.

COUNCILMEMBER HOKAMA: Thank you.

CHAIR VICTORINO: Mr. Mayor, if you'd like to give a crack at that question.

MAYOR ARAKAWA: Actually I really appreciate the question, because as I look at the rules and the laws that we have, we are tending to ignore the rights of the general public. We're tending to ignore them to the point of allowing people to behave what we wouldn't expect our children to behave or we wouldn't tolerate our children to behave. So some of the really core basic programs that we have to be able to keep a society that we have, the kind of society that we have, we're allowing people who want to just be obnoxious and not follow our rules a great leniency because we give them an excuse to be able to be obnoxious and not follow the rules just because they feel like it. If we allow everyone to do that then our society is going to collapse. When we look at our basic way that we've all grown up, we've tended to respect each other where we say, you know, my rights end where your nose begins, so to speak. You have all the rights, that you should have all the rights that I have, and I should have the respect for you. And when we allow a group of people to not have that kind of respect for everybody else, I think that we are being much, much too lenient, because we're allowing them to have rights we wouldn't let our children get away with. And it's creating huge fears within our community. Now I don't think very many people would have challenges with homeless if they weren't being obnoxious, if they weren't doing things that were counter to what common civility or common decency would call for. But they are many times deliberately, deliberately doing things that they know are obnoxious to everybody just to be obnoxious because we allow them. And the more they're obnoxious, the more freedoms they're given. So in my opinion your question are we too lenient, the answer is yes. We create a real problem for our police because our police are required to enforce laws for everybody. And when you take away one person's right because somebody overreaches into their jurisdiction or into their ability to have freedoms then I think we're much too lax. So I'm of the opinion that we have

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui**

October 3, 2016

to be able to look at this from both sides. Now understand that the homeless situation is not everybody with mental challenges, and that's one of the things that we tend to forget. We have a huge group in there that are there because they feel like it, because they can't get along with society's rules. Even those that are on drugs, they are choosing a lifestyle and even though we know that it's a sickness, it is a sickness of choice. And in many cases taken to extremes if we allow that to continue, we're allowing them to kill themselves slowly but surely. We're also encouraging them to commit crimes in order to protect their ability to be druggies. So what I'm hearing from the community that there are more and more robberies, there are more and more break-ins. When my neighbor's house gets broken in, I mean right behind us. When someone ends up in my yard in the middle of the night just walking around, it tends to bring fear, and ours is one of the safer areas in the community. But I'm hearing this more and more throughout the community. And when I'm seeing people...when I'm hearing people ask me can you protect my property because someone is coming in and, you know, they're just camping out and they're doing whatever they feel like it, there's a point where as a community, we have to be able to protect the civil rights of everybody in the community. Those that are law-abiding citizens deserve protection too. So yes, we are, I believe going too far to be too lenient, because we have this mental image of someone who is totally helpless that has no mechanism to be able to help themselves. That's what we have our social service programs for. And we do have justification to put people in jail. If you or I went out and threatened somebody, we would get sued. Police would be called and we would be thrown in jail. If we were to enter somebody's house and rob them, we would most certainly go through the court system. But yet we're trying to be lenient and say because somebody is homeless we don't want to be able to prosecute these people, because they have no other means of taking care of themselves. Much, much too lenient in my mind, but we do have to provide the housing, we do have to provide the services to be able to help those that cannot help themselves. But don't for one second think that all of the homeless cannot help themselves, many of them choose to be in that situation.

CHAIR VICTORINO: Thank you, Mayor. And, you know, we're very close to wrapping up because it's almost 12 o'clock, and I wanted to give Mr. Thornton an opportunity, he wanted to since he came from Oahu, if you don't mind, Mr. Hokama, to...

COUNCILMEMBER HOKAMA: I would like to ask my last question please, Chairman?

CHAIR VICTORINO: Okay. 'Cause I think he wanted to add something to what your question was but okay, go ahead.

COUNCILMEMBER HOKAMA: Well, I didn't ask...

CHAIR VICTORINO: Yeah okay, go ahead, go ahead.

COUNCILMEMBER HOKAMA: I don't need his response. My thing, yeah, Mr. Mayor, and thank you for that, part of my concern is that we are asked to look at some, a lot of times rational, responsible options to deal with the concern or the issue such as homelessness. My problem is there is a component of that group that is not rational

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

October 3, 2016

and responsible. I've seen MRI images of chronic meth users. You cannot rehabilitate a brain that doesn't have all its brain intact. That person is not there anymore. You know I've seen those images of, from the Northwest, Washington, Oregon, part of the brain has melted away from that bad drug addiction. So for me, you know, Mayor, you know, the rational component of our community looks at us for responsible legislation, but there's a group that has no regard or respect for the laws of the community. I get problems with those. And for me, my job is to protect the whole community but not forget the majority of the community either. And so, you know, part of it is I think we're not, we shouldn't only be looking at the County, Mr. Mayor, and I would ask you to work with us, because I think there's things at the Federal and State levels that definitely undermine our efforts, especially from the Federal government as in regards to veterans. Once they get arrested, they lose their Medicare benefits, including those monthly maintenance prescription drugs that they need to have a balance in their life and be able to function. It's interesting the Feds at times take the position that you're guilty before adjudication. I get issues with that type of approach where the vet is losing medical benefits and who hasn't even been adjudicated. That goes against our whole philosophy of justice in this country, but that's the Federal government. And I thank you because I'm with you. As 1 of the 102 delegates that helped write the current Constitution, I am very clear in my mind what the State's responsibility is, and I find it interesting that they're touting of their savings that some resources couldn't be put forward besides the rhetoric and the exemption of laws and regulations to assist the counties if they want us to implement their program for the support. So I'm with you on that, Mayor. I thank you for your public comments on that. And, Chairman, my only other thing is why did we come up with the 500 per day fine? I mean what is the basis of that for the discussion point? Why not \$10,000 a day?

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

COUNCILMEMBER HOKAMA: I'm just curious why the fine is such.

MR. ROWE: Well, for one, that's how it was presented to us. I'm not entirely sure what the rationalization behind that was. But again, I would just like to comment that this particular piece of legislation as I stated earlier, we have to try and keep it narrowly tailored. And I believe that a higher fine puts us more at risk of potential legal liability.

COUNCILMEMBER HOKAMA: Okay. Because I view this like Mr. Carroll, I see this more of general applicability to everyone in our County, not just for a certain group. It impacts me too, and I should be applied by this general law also like anybody else. So that's how I'm looking at it so I just ask that question, because I find this more of general application of a general ordinance proposal than one specifically trying to address an issue. Thank you, Chairman.

CHAIR VICTORINO: Mr. Thornton, you wanted to add something and I'm going to allow you because you came from Oahu. If you don't mind, Committee Members, give him an opportunity to kind of close this meeting with some of his overview. I want to say this,

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

October 3, 2016

I agree that we need to do something and we need to do something soon, but if we do something too quickly and it's taken to court and we have sat in this Chamber settling cases many times in the past, it's not a good idea. Okay. And so, you know, Mr. Carroll, I agree with you, get something done. And maybe the next move is really bring the whole package, that way we can discuss everything and decide everything together in totality, you know. So maybe that's my next move and I will say it that way. And but I'm, my plan is to defer this, but I would like to hear from Mr. Thornton and anybody else who would have anything to add, and then that way we can close the meeting. And I want to thank the Members that are here for your, you know, spirited debate, I mean I think...or discussion on this item. 'Cause I want the public to know we're not just sitting on our laurels again, we're trying to do something. We want to do it right because we don't want to infringe on somebody's civil rights or constitutional rights, and even if I disagree or agree with you, Mr. Hokama, the attorneys make those decisions I guess, and when it goes to court, the judges make those final calls. Whether we think it's right or wrong, they make the call. So I will let you, Mr. Thornton, go right ahead.

MR. THORNTON: Great, thank you. And I'll keep it brief, you already gave me a lot of time to talk and I appreciate that. I just wanted to respond, you know, a lot of the behavior that we've talked about today like waving a machete and threatening people and the drug-induced behavior. That's stuff that's already illegal and we should be enforcing those laws. And I don't know of anyone and I hopefully haven't conveyed this impression that thinks that homelessness should be an excuse for violating laws like that, that threaten, that jeopardize our public safety. No way, no how should that be the case. You know I think that people who are homeless got here not because of lax laws because there are a lot...there are lax laws all over the nation. I mean they got here because Hawaii is Hawaiian, it's an attractive place to come to. They got here because when they got here or if they were born and raised here, housing is incredibly expensive, the most expensive State in the nation in terms of housing. You know the problems with mental illness for the folks that have mental illness. The problems with drug addiction for the folks that have drug addiction problems, I mean those are the root causes and those are the things that we really need to address. So thank you again.

CHAIR VICTORINO: Well, thank you, Mr. Thornton. Any of the other...Jan, would you like to...I know you was raising your hand so go right ahead, Ms. Shishido.

MS. SHISHIDO: Thank you. First of all, I wanted to thank the opportunity to be here today and to discuss all of this and it was a great discussion. And but I did want to be sure to thank Kathleen Ross Aoki for her testimony. And I think the figures that you heard from Chief in regards to the amount of calls that they get on the homelessness would be, on homeless would be, I might be safe to say doubled only because I'll just share that I thought it was very brave of Ms. Aoki to be able to report her threatened experience that she had the other, last week. And when I asked her did she report it, she said no. And I think later as we're discussing it and she heard about this Committee, this meeting today, she did go ahead and report. And so as I'm listening to Chief's statistics on the numbers of calls, I would say they would be even more.

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

October 3, 2016

Another thing would be that I want to thank Council for funding our Homeless Division that we're still waiting for, and we're hoping that would be helpful in regards to discussions, whether through State discussions, Federal discussions. As well as when we talk about housing first, it did really hit a buzz when...housing first is one of the major questions on an application for HUD funding. Do you do housing first? If it's no it's a huge minus on their application. And the last thing is, as we're discussing it with the State, with the Department of Human Services, the Homeless Program Office, being that we are Maui, Kauai, and Hawaii island, our part of the Bridging the Gap or the continuum of care for the neighbor islands, it is very, very soon coming of the coordinated entry system that the County is going to be responsible for. So just wanted to be sure to thank you and thank everybody who's here today. And thank you.

CHAIR VICTORINO: Chief, you go right ahead.

MR. FAAUMU: Thank you, Mr. Chairman. I'm going to echo what Ms. Shishido said, we want to thank the Mayor and for you to open this dialogue and this discussions. You know for the Police Department it's always a challenge. Working in the cellblock as a commander, I know it is the biggest and most expensive issues that we deal with when someone homeless walked in and we get them in our custody and we have to take them to the emergency room and the police officer will sit there sometimes up to eight hours sitting there. And that's going back to what Councilman Guzman mentioned, you know, manpower. Well, one thing I can promise you, the manpower issue I'm not going to use that as an excuse. When I came in 31 years ago, we sang the same music, we're not going to repeat it. Yes, we do need more police officers but it's we're working on that. But we will...what I'm asking you is to provide us with something that we can do something about it to...you heard the testifier, they will call the police, we will respond to it. And most of the time, I agree with Ms. Shishido, some of the cases, well, mentally ill or homelessness. You know whether it's a harassment or something, we'll document a case and we send it out. But that person is still there in our community, and five minutes later we get another call, and then ten minutes later we get another call if we're not going to do anything about it. We don't want to do something that out of frustration where we overreacted and we do something that is not right. You know something either more than the use of force that we needed, but that's what's going to happen if we don't have the tools that you can give us to do something. Whether it's a citation or something...and I know the homelessness is a big issue, it's bigger than what we do. What my concern is but the bottom line is when everybody is not sure on how to handle it, guess who they're going to call? They're going to call me to fix it, and I don't want no Band-Aid fixing, I want a solution. And I thank the Mayor and this body for allowing this discussion. Thank you very much.

CHAIR VICTORINO: Thank you, Chief. I'll close by saying October 31st meeting, I'm going to dedicate this issue with all the other appropriate ordinances so that the Committee can review all of them together. Okay. In the meantime, I would hope that the other aspect of your request, Mr. Mayor, will be addressed by the other appropriate committee. That is something not in my hands. But I don't want to let this pass on

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

October 3, 2016

and just, you know, let it go on to the, you know, put it under the rug and forget about it, it's not...this is very important. So I will commit to the October 31st meeting. I'm going to push, make sure I get the additional information that was requested and that we make that the only agenda item on that meeting. So you can look forward to that, Members. And hopefully the others that were not able to attend would be here, because it's good if all nine of us are here together to discuss this matter. So with no objection, I'd like to defer this matter.

COUNCILMEMBERS: No objections.

COUNCILMEMBERS VOICED NO OBJECTIONS (excused: EC, SC, MW).

ACTION: DEFER pending further discussion.

CHAIR VICTORINO: Thank you. And I would like to say first of all I want to thank all of you for coming. Mr. Mayor, thank you very much, from your busy day. Ms. Shishido, thank you very much, and your Director was out there in the gallery looking at you all the time, Ms. Reimann, making sure that you didn't slip up, so don't worry. Chief, nobody from your Department except the Sergeant sat back there and she was ready in case you made a slip, she would bring it up. And finally, Mr. Thornton, thank you for coming up from Oahu and sharing your manao with us, I think that's very important. I don't know if the 31st you're available, and we'll see what we can do and see if that's possible. But I want to thank all of you for being here. Ms. Willenbrink, thank you for all that additional work. I tasked her with some of this...with these requests and she was able to get all these different agencies to at least respond when and where they could. Mr. Rowe, I hope, you know, maybe we can get something more specific in this area. But that being said, thank you, everyone. Members, thank you very much. And the meeting of the Policy and Intergovernmental Affairs Committee is now adjourned. . . .(gavel). . .

ADJOURN: 12:05 p.m.

APPROVED:



MICHAEL P. VICTORINO, Chair
Policy and Intergovernmental Affairs Committee

pia:min:161003:ds

Transcribed by: Daniel Schoenbeck

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui**

October 3, 2016

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 19th day of October, 2016, in Kula, Hawaii

A handwritten signature in black ink, appearing to read "Daniel Schoenbeck", is written over a horizontal line.

Daniel Schoenbeck