

# POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE

Council of the County of Maui

## MINUTES

September 22, 2016

Council Chamber, 8<sup>th</sup> Floor

**CONVENE:** 12:00 p.m.

**PRESENT:** Councilmember Michael P. Victorino, Chair  
Councilmember Don Couch, Vice-Chair  
Councilmember Gladys C. Baisa, Member (Out 2:33 p.m.)  
Councilmember Robert Carroll, Member (In 12:06 p.m.)  
Councilmember Elle Cochran, Member (In 12:19 p.m.)  
Councilmember Stacy Crivello, Member (Out 3:00 p.m.)  
Councilmember Don S. Guzman, Member  
Councilmember Mike White, Member (In 2:07 p.m.)

**EXCUSED:** Councilmember Riki Hokama, Member

**STAFF:** Kimberley Willenbrink, Legislative Analyst  
Sharon Brooks, Legislative Attorney  
Tammy M. Frias, Committee Secretary  
  
Dawn Lono, Council Aide, Hana Council Office (via telephone conference bridge)  
*Seated in the gallery*  
Josiah K. Nishita, Deputy County Clerk, Office of the County Clerk (Item PIA-3(2))

**ADMIN.:** William R. Spence, Planning Director, Department of Planning  
Edward S. Kushi, Jr., First Deputy Corporation Counsel, Department of the Corporation Counsel

**OTHERS:** David DeLeon, REALTORS® Association of Maui (Items PIA-3(2), -4(2))  
Rosemary Robbins (Items PIA-3(2), -4(2))

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

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CHAIR VICTORINO: . . .(*gavel*). . . The meeting of the Policy and Intergovernmental Affairs Committee will come to order. Today is September 22, 2016. It is 12:00 p.m., and I want to thank the Members that are present for giving up their lunch hour. I thank you very, very much. I hope you were able to have an early lunch or you're going to have a very late lunch or maybe even what I could say, consider suppertime. Please, if everyone in the gallery, including the Members would turn off their cell phones or put it on silent mode, we'd greatly appreciate it. Decorum will be kept in the Chamber. Let me introduce the Members that are present at this time. Our Vice-Chair of the Committee, Mr. Don Couch from South Maui.

VICE-CHAIR COUCH: Good afternoon, Chair.

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

**September 22, 2016**

---

CHAIR VICTORINO: Thank you for being here. Our Upcountry Member, Ms. Gladys Baisa.

COUNCILMEMBER BAISA: Good afternoon, Chair.

CHAIR VICTORINO: Thank you very much. Our Member from Molokai, Ms. Stacy Crivello.

COUNCILMEMBER CRIVELLO: Aloha, Chair.

CHAIR VICTORINO: Thank you. And our Member from Central Maui or from Kahului I should say, the Vice-Chair of the Council, Mr. Don Guzman.

COUNCILMEMBER GUZMAN: Good afternoon, Chair.

CHAIR VICTORINO: Good afternoon. Okay. Excused at this time are Robert Carroll and Elle Cochran and Mr. Mike White. Mr. Riki Hokama is unable to attend today's meeting so he is excused for the whole meeting. The rest of them will be here very shortly. Okay. From the Administration we have our First Deputy Corporation Counsel, Mr. Ed Kushi.

MR. KUSHI: Good afternoon.

CHAIR VICTORINO: Good afternoon. We have available in the gallery Mr. Josiah Nishita for, a Deputy County Clerk for some reference if we need. And Mr. Will Spence, our Planning Director will be joining us very shortly so to cover some of the areas and help us with two of our HSAC package and Maui package ordinances and for the State Legislature, yeah. For our Committee Staff, our invaluable Committee Staff, Ms. Kim Willenbrink, our Legislative Analyst.

MS. WILLENBRINK: Good morning.

UNIDENTIFIED SPEAKER: Afternoon.

CHAIR VICTORINO: It's afternoon.

MS. WILLENBRINK: Yes, it is.

CHAIR VICTORINO: But that's okay, afternoon, morning, doesn't make...and Ms. Tammy Frias is our Committee Secretary. Today unfortunately we have two of our District Offices that are offline, unavailable for testimony, and one is our Lanai Office and the other is our Molokai Office, so those two are unavailable today. We only have our Hana Office, so at this time I'd like to check with our Hana Office. Dawn Lono, are you there? Dawn, are you there?

MS. LONO: Yes. Good afternoon, Chair. This is Dawn Lono in the Hana Office.

CHAIR VICTORINO: And, Dawn, do you have anyone wishing to testify?

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**

**Council of the County of Maui**

**September 22, 2016**

---

MS. LONO: There is no one waiting to testify.

CHAIR VICTORINO: Okay. I'll call upon you after I finish the, in the Chambers if anybody shows up in the meantime.

MS. LONO: Okay, mahalo.

CHAIR VICTORINO: With no objections, I would like to open up to public testimony.

COUNCILMEMBERS: No objections.

**. . .BEGIN PUBLIC TESTIMONY. . .**

CHAIR VICTORINO: Today we will be limiting testimony to the items on the agenda obviously. If you have not signed up and wish to sign up, on the 8<sup>th</sup> Floor lobby area we have a desk and you can please sign up there. Testimony will be limited to just three minutes. At two and a half minutes the light will turn yellow, and at three minutes it will start blinking red and I will ask you to conclude. Please state your name and any organization that you may be representing. We have established connection with just one District Office today so we won't be rotating locations. So we only have Dawn and in our Hana Office so with no objections, I will open up public testimony...oh by the way, I think I forgot to introduce myself, the Chair Michael Victorino. Sorry. I sometimes move along and leave myself out. At this time I'd like to call upon the...call upon Ms. Willenbrink to introduce our first testifier in the Chamber.

MS. WILLENBRINK: Yes, thank you, Chair. The first person signed up to testify in the Chamber is Dave DeLeon.

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

CHAIR VICTORINO: Yeah, I got the...yeah.

MR. DeLEON: Good morning or good afternoon, afternoon, and aloha.

CHAIR VICTORINO: Thank you, Mr. DeLeon.

MR. DeLEON: Do that automatically I guess.

CHAIR VICTORINO: Yes.

MR. DeLEON: I'm Dave DeLeon representing the REALTORS® Association of Maui in favor of agenda item 3(2), No. 5 requiring, which requires the counties to submit their general plans to the State Land Use Commission for its review and approval, and adoption of appropriate land use designations. The bill before you was the final draft of House Bill

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

**September 22, 2016**

---

2617 from the 2017...oh, yeah 2016...getting ahead of myself, 2016 State Legislative Session. The House Bill 2617 stalled out in Conference Committee. When suggesting that the Council consider this measure for the HSAC package, I forgot that there was more to the bill than the significant proposal for the Land Use Commission review of the County general plans. RAM does not support nor endorse those other sections of the document and would, respectfully would recommend that if this Committee supports this proposal then it should...we would hope that you would amend the proposed bill to include only Sections 1 and 2 of the bill ending at the top of Page 4. The REALTORS® Association of Maui supports this proposal because it would amount to an important step to reduce the time it takes to entitle housing projects in Hawaii. By the Land Use Commission's own estimate, it now takes an average of...an average housing project using agricultural land ten years to receive the necessary approvals from our multilayered land use regulatory system, adding significant costs to the final costs...final price of a new home. This proposal amounts...is offered as a compromise. Ideally, RAM would prefer that the authority for the land use approvals be given to the counties, the county governments. The basic idea for the Land Use Commission was to defend agricultural lands, to keep them from being urbanized. In that sense it was a success, we now have 200,000 acres of fallow farmland and no real agriculture. Meanwhile, because we have so restricted the availability of land for housing, the cost of housing has gone through the roof. It is a gross understatement to say that the supply has not kept up with demand. This compromise bill will keep the LUC in the land use entitlement loop but instead of requiring each housing project to go individually before the LUC, the Commission would consider mass approvals based on the County's adopted plans. That will cut years off the entitlement process while still maintaining the State land use oversight.

MS. WILLENBRINK: Three minutes.

MR. DeLEON: We have a housing crisis that we're not going to overcome by following the same patterns. This compromise bill will be a good step towards getting government out of the way of building our homes, of building the homes we so desperately need. Mahalo.

CHAIR VICTORINO: I was just going to ask you when are you going to conclude. Thank you, Mr. DeLeon. Questions for the testifier? Are we clear on what sections that he is referring to in the bill? We would be looking at keeping Sections 1 and 2 which end on the top of Page 4, if you look over the proposal. So is there any questions in that regard? Seeing none, thank you, Mr. DeLeon.

MR. DeLEON: Mahalo.

CHAIR VICTORINO: Okay. Next testifier please.

MS. WILLENBRINK: Thank you, Chair. The final person signed up in the Chamber to testify is Rosemary Robbins.

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**

**Council of the County of Maui**

**September 22, 2016**

---

CHAIR VICTORINO: Ms. Robbins? And while Ms. Robbins is approaching the podium, I'd like to recognize the attendance of Mr. Robert Carroll, our East Maui representative.

COUNCILMEMBER CARROLL: Good morning, Chair.

CHAIR VICTORINO: It's good afternoon, but okay, you're the third one. Everybody's stuck on the morning, no problem. Good morning, Rosemary. Go ahead.

MS. ROBBINS: Good afternoon, Mr. Victorino and everybody.

CHAIR VICTORINO: See, I just was seeing if everybody was paying attention. Good going. Very good.

MS. ROBBINS: To everybody, good afternoon, good day.

CHAIR VICTORINO: All right.

MS. ROBBINS: Would like to first speak of two things that hit me very positively, we're talking about Page 3 of today's agenda, Policy and Intergovernmental Affairs Committee, Thursday September 22. The first one of those that I would like to endorse and I know that that's coming from other concerned citizens too that I had spoken with over the weekend, and it is a bill in the legislative package heading over to the Statewide meeting prohibiting smoking in motor vehicles occupied by minors under the age of 13. Hurray. Hurray. I would recommend that we do the best we can as a community of adults to not let our kids get involved in anything excepting fresh air in their lungs, so endorsement of that 4(2), Paragraph 2. Also would like to speak in favor of and in accord with other people that are concerned citizens about a Legislative State bill proposal with the minimum wage to go up to \$15 per hour in 2019. The cost of living here being...with the cost of living here is even at that we're going to have a tough time being able to keep up with that, but I certainly recommend that on 3, Item 3 of the 4(2). Then I'd like to go over and talk about some things that certainly need more address, and one of those is the Important Agricultural Lands. One, the purpose of the proposed bill is to identify and map the Important Agricultural Lands pursuant to Section 205-47 of the Hawaii Revised Statutes. And it talks in there about general plans needing to be followed. The community has spoken very clearly on a number of issues that to deal with things like the master and the State and not to deal with what the local people have spoken means somebody's not listening, and people are losing out because of that. So we need to make sure that over on Page 2 of our agenda today, that's Item 5. Okay. And backing that up is the bill for an act that talks in here about it's community stakeholders that have to be included in that. So that's Exhibit "A," Page 1 of 3. So it's been pretty well drawn out in there. So it needs to be making sure that we're listening to the people who will be affected, the people who are more approximate to it. We need to hear from those folks and to listen and to respect what it is that they're saying. So I also would draw your attention to the material that was in the folder that talks about we need to be careful on how we're doing our planning, yet the planning is only in view of economic acceleration, not that we don't need that but that's...something's wrong. That's like

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**

**Council of the County of Maui**

**September 22, 2016**

---

with the who, what, when, where, why do you know, back into first thing should be why and it's for the wellbeing of everybody, not just a particular avenue of people's pursuit. Especially if that avenue is going to be in terms of bringing a lot more people in long term or short term to Maui when we don't have our infrastructure in place to be able to accommodate the folks that we have and are coming in to visit us now. They're not coming here to dehydrate but that's exactly what's going to happen if we don't pick up on that. So that's people, residents, visitors, agricultural lands without sufficient water, healthful water for that. And you have mentioned a number of times over the years, Mr. Victorino, about water quantity and quality, both have to be there. And in the records that we're dealing with, we need to make sure that we are aware of the elephant in the room that people don't always want to talk about because it's a sticky wicket in the package. And also to be aware of the person who goes to confession and says I stole the rope and never mentions the cow on the other end of it. You know we've talked about all of this for so long. So I'm trusting that when this gets before the State level, that that's going to be showing our wisdom in being aware and respectful of all those folks. And then in this morning's paper, it talks about County officials to meet with Iao flood victims. That's tonight, so that's less than a day's notice for people to get there. And I must say that I was over there having a salad beside that stream now or river and we had done something legal about that a while ago too, and that water was scary as all get out. And I was watching rent-a-car people coming in and walking over to that, and sure enough then came that dreadful scene and a later issue.

CHAIR VICTORINO: Yeah, thank you, Ms. Robbins. I don't want you to get too far off the subject --

MS. ROBBINS: No.

CHAIR VICTORINO: --matter --

MS. ROBBINS: No.

CHAIR VICTORINO: --and unfortunately --

MS. ROBBINS: All related.

CHAIR VICTORINO: --the meeting was scheduled based upon the officials' availability and I think...and hoping that the Governor might be there tonight to listen to some of the concerns. So it's not always something we have control on.

MS. ROBBINS: No, but your care, vouching for.

CHAIR VICTORINO: Yeah, we're trying. We're trying our best to...

MS. ROBBINS: I understand that.

CHAIR VICTORINO: Yeah.

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

**September 22, 2016**

---

MS. ROBBINS: Yeah.

CHAIR VICTORINO: So just so the people understand and I don't want to get off subject matter because that's not part of our package today, but thank you for that reminder, and I was going to put it at the end of the meeting. But thank you very much.

MS. ROBBINS: You're welcome.

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

MS. ROBBINS: You're welcome.

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

MS. WILLENBRINK: No, Chair.

CHAIR VICTORINO: Dawn, do you have anyone wishing to testify in Hana?

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

CHAIR VICTORINO: So I'll give anyone in the room who has not testified--and I don't see anybody in the room but just in case somebody came rushing in--an opportunity. And seeing no one taking that opportunity, with no objections, I'm going to close public testimony.

COUNCILMEMBERS: No objections.

**. . .END OF PUBLIC TESTIMONY. . .**

CHAIR VICTORINO: Thank you very much. Aloha, Dawn. Okay, you want to...okay, there you go. And before we get started, I wanted to recognize the attendance of Ms. Cochran. Thank you for being here. Okay. We have a very robust, again, agenda, and I want to and we have to at all possibilities to finish our HSAC package today because much of the Maui package is identified or identical I should say to our HSAC package. So once we accept the Maui...I mean the HSAC package or not accept it, it makes it pretty easy once we go through the Maui package.

**ITEM PIA-3(2): HAWAII STATE ASSOCIATION OF COUNTIES (HSAC) (2017 HSAC LEGISLATIVE PACKAGE) (CC 15-157)**

CHAIR VICTORINO: So with no objections, I'm going to start with Item No. 1 which is the Committee is in receipt of correspondence dated August 29, 2016, from me, transmitting a proposed bill entitled Approving for Inclusion in the 2017 Hawaii State

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

**September 22, 2016**

---

Association of Counties Legislative Package a State Bill to Allow Certain Government Records to be Shared Among Councilmembers with [sic] No Commitment Relating to a Vote on the Matter is Made or Sought. The proposed...the purpose of the proposed resolution is to approve for inclusion in the 2017 HSAC Legislative Package a proposed State bill, attached to the proposed resolution as Exhibit "A," entitled A Bill for an Act Relating to Government Records. The purpose of the proposed bill was to amend the State Sunshine Law to allow board members to share among themselves government records that already must be disclosed to the public and is no, and has no or no longer as a commitment to a vote in the matter is made or sought. The idea is that records already considered as open to the public should be also shareable amongst board members. Under our current policy which OIP has approved formally, the board members can share informational documents the day of posting, two days before posting, or on the day of the meeting. On your desk is a copy of the Sunshine Law provision that states that currently what we can share. So you have a copy, because I think Mr. Guzman asked what could be shared. He thought that everything was inclusive. So I did make a copy of what is included at this time. It is my understanding that this revision we are proposing would endorse...was endorsed by the Office of Information Practices and the State Legislature informally at the last Legislative Session. So this is what we want to do at this point. I also have in the gallery today our Legislative Attorney, Ms. Sharon Brooks. Thank you for being here. And Sharon will be assisting us a little bit more in this particular area. So you have the provision showing what is allowed at this time by OIP. Do you have any questions? We'll start with that. Do you have any questions in that regard, what is allowed by OIP? Okay. So as this bill would be more, actually broaden the ability for us to get public information and share public information so long as there is no commitment for a vote being made or sought on behalf of that particular provision. So I'll start with you, Mr. Couch, and go right down the line if any questions in regards to this change. Mr. Couch?

VICE-CHAIR COUCH: Not at this time.

CHAIR VICTORINO: Okay, thank you. Ms. Crivello?

COUNCILMEMBER CRIVELLO: Not at this time, Chair.

CHAIR VICTORINO: Thank you. Mr. Carroll? Ms. Baisa?

COUNCILMEMBER BAISA: No, thank you.

CHAIR VICTORINO: And, Ms. Cochran?

COUNCILMEMBER COCHRAN: No.

CHAIR VICTORINO: Okay. I know Mr. Guzman was here, I think he might have...I don't know where he went. 'Cause he is the one that had the questions and I think, hopefully this will suffice and give him the answers he had questions on and what particular documentation was allowed to be shared and what this proposal would



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

**September 22, 2016**

---

expand that. Okay. Seeing no more discussion, then I would like to make my recommendation.

COUNCILMEMBERS: Recommendation?

CHAIR VICTORINO: Okay. So the Chair would like to entertain a motion to adopt the proposed resolution entitled Approving for Inclusion in the 2017 Hawaii State Association of Counties Legislative Package a State Bill to Allow Certain Government Records to be Shared Among Councilmembers Where No Commitment Relating to a Vote on the Matter is Made or Sought.

VICE-CHAIR COUCH: Mr. Chair, is that the August 29<sup>th</sup> version?

CHAIR VICTORINO: August 29<sup>th</sup> version, yes.

VICE-CHAIR COUCH: Okay, great.

CHAIR VICTORINO: I'm sorry, I didn't include that. Sorry.

VICE-CHAIR COUCH: So move.

COUNCILMEMBER BAISA: Second.

CHAIR VICTORINO: It was moved by Mr. Couch and seconded by Ms. Baisa. Any further discussion? And again, I apologize, it is the August 29<sup>th</sup> version. Yes, go ahead, Mr. Couch.

VICE-CHAIR COUCH: And this motion is to add it to the package?

CHAIR VICTORINO: That is correct.

VICE-CHAIR COUCH: Okay, not pass the packet. Okay.

CHAIR VICTORINO: Yeah.

VICE-CHAIR COUCH: Great. Thank you.

CHAIR VICTORINO: If there's no more discussion, all those in favor, signify by saying "aye."

COUNCILMEMBERS: Aye.

CHAIR VICTORINO: Opposed? Let the record show six "ayes," three excused, Mr. Hokama who is excused for the day, Mr. Guzman, and Mr. White, and I think they'll be joining us shortly.

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

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

**September 22, 2016**

---

**NOES:**       **None.**

**EXC.:**       **Councilmembers Guzman, Hokama, and White.**

**ABSENT:**   **None.**

**ABSTAIN:**   **None.**

**MOTION CARRIED**

**ACTION:**    **Recommending ADOPTION of resolution.**

CHAIR VICTORINO: Okay. Moving on to the second item, the Committee is in receipt of correspondence dated August 30, 2016, from Councilmember Elle Cochran, transmitting a proposed resolution entitled Approving for Inclusion in the 2017 Hawaii State Association of Counties Legislative Package a State Bill to Include Automatic Voter Registration for Applicants for Driver's Licenses and State Identification Cards. The purpose of the proposed resolution is to approve for inclusion in the 2017 Hawaii State Association of Counties Legislative Package a proposed State bill, attached as proposed resolution...Exhibit "A," entitled A Bill for an Act Relating to Voting. At this time I would like to call on Ms. Cochran to discuss this matter. Ms. Cochran?

COUNCILMEMBER COCHRAN: Yeah, and thank you very much, Chair. So after our deliberations and discussion last meeting in regards to this, there were quite a...there were some concerns that were brought up and issues I think that were not resolved. And so, Chair, at this time I wish to not push this through at this time. So not sure if there needs to be a motion to that effect or basically just pulling this item from the list to submit.

CHAIR VICTORINO: Well, I would accept, with no objections, I would defer this matter and, you know, at a future date and then it would automatically if not brought forward in this session, the next session someone could bring it up again and it would be automatically filed at that point in time. So with no objections, with your approval, Ms. Cochran, I would ask for deferral of this matter.

COUNCILMEMBER COCHRAN: Sure, yeah.

COUNCILMEMBERS: No objections.

COUNCILMEMBER COCHRAN: No objections from myself, Chair. I think and you hit it home in our discussion was that it's not the idea of trying to get more people registered but it's to get the registered out to vote. So I think this really isn't going to assist us in that avenue, so I...we can defer and adjust this at another time. Thank you.

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

**September 22, 2016**

---

CHAIR VICTORINO: No, Ms. Cochran, I know your intent and I think it's a well-intended ask of our people. Unfortunately...and not only that, there was other issues, but until...I really believe when you have only 29 percent of our voters showing up at the polls or absentee or whatever, voting, we gotta get that number much higher. We got 91,000 people that supposed to be able...registered voters and only 29...not even 30,000 showed up. That's a hurtful number. So I would like to do something to get more people to vote and that's another issue and another conversation so I'll skip that and move right along to the next item, if you don't mind.

**COUNCILMEMBERS VOICED NO OBJECTIONS** (excused: DSG, RH).

**ACTION: DEFER pending further discussion.**

COUNCILMEMBER COCHRAN: Yeah, thank you, Chair.

CHAIR VICTORINO: Let's move on to No. 3. The Committee is in receipt of correspondence dated September 16 [sic], 2016, from myself, transmitting a revised proposed resolution entitled Approving for Inclusion in the 2017 Hawaii State Association of Counties Legislative Package a State bill Relating to the Important Agricultural Lands. The purpose of the revised proposed resolution is to approve for inclusion in the 2017 Hawaii State Association of Counties Legislative Package a proposed State bill, attached to the proposed resolution as Exhibit "A," entitled A Bill for an Act Relating to Important Agricultural Lands. The purpose of the revised proposed bill is to allocate a total of \$250,000 to the counties for the next two fiscal years for identification, mapping of Important Agricultural Lands in pursuant to Section 205-47, Hawaii Revised Statutes. The revised proposed bill removes a provision at the Committee's request that it requires the County to provide matching funds. It is...it was mentioned at the last meeting that Kauai County had received funds in 2005 to identify and map Important Agricultural Lands. Staff did some research and yes, the original amount of 75,000 and even though that ordinance allocated the money for all 4 counties at the same point, the entitled...the entire appropriation went to Kauai as a pilot project that resulted in deployment of a methodology to identify potential Important Ag Lands in the Koloa to Poipu district. Thank you...and I want to thank Mr. Will Spence who flew back from Kauai this morning to be here, and he has been attending the HCPO Conference but he felt it was very important. He made himself available today, so I would ask our Members if we can really focus in on this so that we can have Mr. Spence as a resource person and try to see if we can get this completed. So at this time I will call upon Mr. Spence, if you would come forward. Thank you very much for returning from Kauai. I really, really appreciate that, and I know you were doing some work with other, what you call that, other planners up in Kauai, other people of similar position. So at this time I will turn it over to you for a brief introduction and then we'll go into Q&A. Mr. Spence?

VICE-CHAIR COUCH: Mr. Chair?

CHAIR VICTORINO: Yes?

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

**September 22, 2016**

---

COUNCILMEMBER GUZMAN: . . .*(inaudible)*. . .

CHAIR VICTORINO: I'm sorry, Mr. Guzman. You gotta put your...oh, go ahead.

COUNCILMEMBER GUZMAN: Yeah. That's okay, I'll wait until he's finished with his brief introduction.

CHAIR VICTORINO: Oh, okay, if you don't mind, and then we can go for --

COUNCILMEMBER GUZMAN: Yeah, no problem.

CHAIR VICTORINO: --Q&A after that.

COUNCILMEMBER GUZMAN: Thank you.

CHAIR VICTORINO: Please. Okay.

MR. SPENCE: Okay.

CHAIR VICTORINO: Go ahead, Mr. Spence.

MR. SPENCE: Okay, thank you, Mr. Chairman, Members. We've...Important Agricultural Lands is, identifying those lands is a concept that's been around for more than a decade now. And as the Chairman said, it was the State who was supposed to pay each one of the counties or give each one of the counties the money to identify not just all of your ag lands but what are the really important ones. What are the ones that have access to water, to road, to, you know, transportation, the soil types, et cetera? And I mean we can go into other criteria as well, those are laid out in State law. But the State has never appropriated the money for the counties to do this. They did the 75,000, Kauai ate that up. They haven't even completed their process yet, the...as far as, you know, taking it to the Land Use Commission and all that. So and I know they spent more than the 75,000 to get that done. So we have tried a couple of times to, you know, we've brought forth Budget items for the Council to consider. We have proposed legislation on a State level. On a State level, it just, it goes through every committee, just everybody's in favor, they just when it comes to money, that's where, you know, it doesn't happen. So there's, as you know there's a lot of competing interests. My hope is that with the support of HSAC, with the support of the different mayors, with the support of the other planning directors who we speak on a quarterly basis and we really pushed the IAL designation last time at the Leg. I know the Land Use Commission is very much in support of this. So my hope is that if enough of the heavy players, you know, push this forward, we'll get the money to get the designation done. For Maui County, as you know we're a little bit different because we have three islands with very important agricultural lands on each one. So my hope is that we get enough to get this going and get it identified, and it also goes towards implementing our General Plan and community plans. So thank you, Mr. Chairman.

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

**September 22, 2016**

---

CHAIR VICTORINO: Thank you very much. Mr. Guzman, you had something you wanted to ask Mr. Spence so I'll start with you and move right down the line. Go ahead, Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. I believe that one of the components that was I guess initially started on Kauai was the incentive portion which is actually the triggering mechanism for the, I guess, ability for the County to ask for more appropriations. Am I correct in that statement? I know it's one of the first initial hurdles that the County must overcome or at least complete before it goes into the next level which I cannot recall what the next step is.

MR. SPENCE: Okay. I'm...the whole initiative...you are correct, there's a whole initiative program that's supposed to go along with this to help farmers, whether it be provisions for I would say low-interest loans and tax breaks and those kinds of things, ag water which we already provide some of that. There will be other provisions as well I'm sure. I don't think that's one of the first steps that we have to do. I think...I mean it's one of the necessary steps --

COUNCILMEMBER GUZMAN: Right.

MR. SPENCE: --that we will do along the way. Because until we can identify where these lands are on each one of these islands...and I would say the incentives may be different on each island simply because of the uniqueness of each. But we will have to develop those incentives for sure. And the process I will say it does go out to the community. It will...we will have a advisory committee on each island, and those reports will come back to this Council. And I would think at that time we could put together a package of incentives for farming.

COUNCILMEMBER GUZMAN: So that being said since we have to get organized and create some type of package or an incentive program, the 250,000 that's indicated in the proposed bill, is that going to be...apparently it's going to be divided between the counties, the 250,000. So in your opinion do you believe that amount of 250,000 should be increased?

CHAIR VICTORINO: Mr. Spence?

MR. SPENCE: Of course I think it's...it should be more, but one of the thoughts in speaking with the Land Use Commission is perhaps we should start out at a certain level and then say...get the process rolling and then go back again and say hey, we have this, you know, we've made all this progress, we have all this data, we've identified all the stuff, we need X more to finish the process. Then there's no...much less sticker shock on the part of the State Leg.

COUNCILMEMBER GUZMAN: So is there going to be under...Chair, is there going to be an understanding that Kauai has already received 75,000 as compared to the other counties?

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

**September 22, 2016**

---

CHAIR VICTORINO: I don't, you know, and I really didn't delve any further in that respect, Mr. Guzman. I mean the whole intent was to get something there now so that we can get this moved along. Whether Kauai gets 75 and all of us get the same 75 or whatever, you divide 250 amongst 4 counties, I don't think that's 75 if I'm doing my...60,000...62,500 if I...yeah.

COUNCILMEMBER GUZMAN: Sixty-two thousand.

CHAIR VICTORINO: Something like that, yeah, and it would be less than the 75 that Kauai got. Should they get more? I'm not sure because Mr. Spence has indicated they're not even completed with theirs, they haven't even gotten it to the Land Use yet. They have...what they do have for us is the methodology in how they arrived at that. So maybe that's something we can emulate and maybe adjust to our own use here in Maui County. So that might be...instead of reinventing the wheel, taking what's there and making it better for us, and doing maybe some tweaks here and there but getting a better job. I don't know how to speak to the money. I think at this point why I want...why we've been trying to push this is first of all, we need to be inclusive so that we know...they know we're coming and we need this. And they're the one been saying we've got to determine Important Ag Lands. Well, help us, don't just...another one of those like Mr. Hokama would say, an unfunded mandate. Here, we want you to do this, go take care of it. So that was the whole part of it. I won't get into that and I would have to really...if we were to get the monies, if it was approved and all of that, then and only then would we be able to address that issue to be honest with you, Mr. Guzman. I can't answer that question at this time. But this is important to get it started.

COUNCILMEMBER GUZMAN: Or at least the ability to educate private owners because there's two processes. You can identify Important Ag Lands through a private process like A&B did versus the public process which, you know, which is mandated in this...not really mandated but is going to require the County to do the heavy lifting to create the process.

CHAIR VICTORINO: Well, I think we need a combination of both. And I think A&B was one of those that came forward and was willing to do it. And they had the money and ability to do it. We have a lot of small landowners that may not have the same ability, and so this may be a way of assisting them also from the public sector. So at this point, this is just to get the process started. How the money is divvied out and how we get that and do we get the private sector to chip in later on, I don't know. I think that would come down the road a little bit, you know, so for me this is just a concept to be sold to get the process started. And then from there, again, as Mr. Spence and you have both mentioned, there's a lot more pieces to the puzzle that have to be put together, but I don't think we're equipped to do that today. This is just to get the puzzle started if anything else --

COUNCILMEMBER GUZMAN: Right, right.

CHAIR VICTORINO: --for lack of a better term.

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

**September 22, 2016**

---

COUNCILMEMBER GUZMAN: Yeah, very good. Thank you, Chair.

CHAIR VICTORINO: Okay. Ms. Crivello, do you have any questions?

COUNCILMEMBER CRIVELLO: Just if...thank you for being here.

MR. SPENCE: Sure, happy to.

COUNCILMEMBER CRIVELLO: Do you recall how much we requested last session?

MR. SPENCE: Last time we requested half a million. But I'll also say and this is partially an answer to Councilmember Guzman's question, when it...as it progressed through the Legislative process, they left different lines for the different counties on...that would be filled in I suppose during the budgetary process. I'm not familiar with that process, how they do that on a State level, but there was some intent that those figures would be filled in at that time if they decided to appropriate money.

COUNCILMEMBER CRIVELLO: Okay, thank you.

MR. SPENCE: Okay. So it...and a little bit more, the 250 again was to let's hopefully avoid some sticker shock that they're not going whoa, counties want all this stuff and how are we going to do this, and we'll...hopefully that'll help them get along with it.

CHAIR VICTORINO: Okay. Is that it, Ms. Crivello?

COUNCILMEMBER CRIVELLO: Yes.

CHAIR VICTORINO: Okay. Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair. And I understand how you got the 62,5 and all that, but and I know Kauai is not done. But your...we are advocating splitting it up 4 ways because there's 4 counties or since they got some, any thoughts of doing it 3 ways?

CHAIR VICTORINO: Well, I think if you want HSAC to support it which is 4 counties --

VICE-CHAIR COUCH: Yeah, that's true.

CHAIR VICTORINO: --you might...

VICE-CHAIR COUCH: Yeah. That's true.

CHAIR VICTORINO: Did I answer the question --

VICE-CHAIR COUCH: Yeah.

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

**September 22, 2016**

---

CHAIR VICTORINO: --as best I could? So at this point, again, I don't want us to get hung up on the fact about four ways and how much and all that. I think I'd like to focus on the fact that we need to do this, and I believe this is a good method. And we're putting a price tag in there or at least some sum for which the State won't, like Mr. Will Spence mentioned, won't get sticker shock. Okay. I'm not saying this is the end all, and like he said there is a line next to each county so they could put 75 for Maui and 25 for Kauai, I don't know, but I'm not the one part of that budget process also. I know how we do ours, I'm not sure how they do it. It's kind of a funky way of doing budgetary planning. But anyhow, with that being said, let us try to focus on the entire bill, not the monies and how it's going to be divided up. If I can ask you to focus on that, that'd be very important. Any other questions, Mr. Couch? Okay, Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. So then I don't have any questions if we're not going to talk about the breakdown of monies. But Mr. Couch did touch upon the fact Kauai got and so I'll leave that alone, Chair, as your request, and I'm fine.

CHAIR VICTORINO: Yeah.

COUNCILMEMBER COCHRAN: I support the bill.

CHAIR VICTORINO: And again, let me say that Kauai got it 'cause they were willing to do it and some of the other counties were not, so and I'll leave it at that. It's not all Kauai's fault, partly is other counties were not ready to do it. Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much, Chair. No, I'm in support of going after this money, I think it's very, very important.

CHAIR VICTORINO: Thank you.

COUNCILMEMBER BAISA: We've been talking about doing this for a long time, time to ask and get it done. Thank you.

CHAIR VICTORINO: Thank you. Mr. Carroll?

COUNCILMEMBER CARROLL: Thank you, Chair.

CHAIR VICTORINO: Can you put your microphone on? It's not on.

COUNCILMEMBER CARROLL: Does that help?

CHAIR VICTORINO: There you go.

COUNCILMEMBER CARROLL: I support this. You know we've had so much agricultural land that we've lost already. We really need to spend more time and decide how we want to develop Maui. We do need more housing, we need to be careful, we need to do everything we can to preserve what agricultural land needs to be preserved, and



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

**September 22, 2016**

---

almost more importantly we need to identify lands that aren't. Because we do need housing, we do need other infrastructure out there, and it's holding us up because a lot of times I see things come though and they say oh, this is important agricultural lands and I look at it and no, it's not no agricultural land, you couldn't even grow grass on it. So we really need to go over there and determine what is what as far as that is concerned so we use the appropriate lands for the appropriate purposes. Thank you, Chair.

CHAIR VICTORINO: Thank you. And you made some very good points, Mr. Carroll, and I agree with you. And for example, I know many of the older Hawaiians will tell you that the central area, the isthmus of Maui County between the Puunene area, that's not and has been designated ag land and is Important Ag Land only because it's close to the harbors and airport and transportation areas. But the land without water is arid. You couldn't grow anything there, you're absolutely correct. So this is a good way of hopefully getting some money, getting this study done so we can really address where Important Ag Land is to preserve it, and where it's not, to do other uses of that land, especially if you're talking housing, so I agree with you. Any other discussion? If not, I'm going to make my recommendation.

COUNCILMEMBERS: Recommendation?

CHAIR VICTORINO: The Chair will entertain a motion to adopt the proposed resolution entitled Approving for Inclusion in the 2017 Hawaii State Association of Counties Legislative Package a State Bill Relating to the Important Ag Lands.

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

COUNCILMEMBER CARROLL: Second.

CHAIR VICTORINO: It has been moved by Mr. Couch and second by Mr. Carroll. Any further discussion? Seeing none, all those in favor, signify by saying "aye."

COUNCILMEMBERS: Aye.

CHAIR VICTORINO: Opposed? Let the record show seven "ayes," two excused, again, Mr. Hokama and Mr. White.

<b>VOTE:</b>	<b>AYES:</b>	<b>Chair Victorino, Vice-Chair Couch, and Councilmembers Baisa, Carroll, Cochran, Crivello, and Guzman.</b>
	<b>NOES:</b>	<b>None.</b>
	<b>EXC.:</b>	<b>Councilmembers Hokama and White.</b>
	<b>ABSENT:</b>	<b>None.</b>
	<b>ABSTAIN:</b>	<b>None.</b>

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

**September 22, 2016**

---

**MOTION CARRIED**

**ACTION:     Recommending ADOPTION of revised resolution.**

CHAIR VICTORINO: And hopefully Mr. White will be here shortly 'cause he told me he'd try to be here by 1:15-1:30. We'll see how that works out. The next agenda item is the Committee's in receipt of correspondence dated September 15, 2016, from myself, transmitting a revised proposed resolution entitled Approving for Inclusion in the 2017 Hawaii State Association of Counties Legislative Package a State Bill to Allow Counties to Petition the State Land Use Commission for Regional District Boundary Amendments After the Adoption of General Plan Updates. As you heard earlier, we had the version and Mr. DeLeon and others have come and...come forward to say that we would take out everything from Page 4 on. So I would like you to all open up your bill to see what exactly we're talking about so that we're not confused. I want everybody to, in other words, be on the same page. How's that sound? And, Mr. Couch, I'm going to call upon you because you had the questions earlier and now we're going to use from...we're going to not take up anything from Page 4 on. So, Mr. Couch, do you have any questions in regards to that?

VICE-CHAIR COUCH: Well...

CHAIR VICTORINO: You gotta put your mic on.

VICE-CHAIR COUCH: I thought we were going off your revised bill?

CHAIR VICTORINO: Yes, the revised bill, yes.

VICE-CHAIR COUCH: So yeah, it did all the removal --

CHAIR VICTORINO: It removed it, yes.

VICE-CHAIR COUCH: --so I'm fine with what you have on your revised bill.

CHAIR VICTORINO: Okay, okay. All right. So I'll move right down the line. Ms. Crivello? On the revised bill, we'll work off the revised version.

COUNCILMEMBER CRIVELLO: I'm okay, Chair. Thank you.

CHAIR VICTORINO: Okay, thank you. Mr. Guzman? You're not...your mic.

COUNCILMEMBER GUZMAN: I'm okay.

CHAIR VICTORINO: Okay, thank you. How about you, Mr. Carroll, do you have any questions on the revised bill?

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

**September 22, 2016**

---

COUNCILMEMBER CARROLL: No comment at this time.

CHAIR VICTORINO: Okay. Ms. Baisa?

COUNCILMEMBER BAISA: No questions.

CHAIR VICTORINO: Ms. Cochran?

COUNCILMEMBER COCHRAN: Not at this time, Chair.

CHAIR VICTORINO: Okay. I think we've...at this time maybe I'll call on Mr. Spence. Mr. Spence, would you like to say anything more? Because again, you've seen the revised bill right there?

UNIDENTIFIED SPEAKER: What date is it?

CHAIR VICTORINO: That is dated September 15, 2016. Can you put on your microphone?

MR. SPENCE: Okay, thank you, Mr. Chairman. And yes, this is...I'm working on a more recent one than what Mr. Kushi had provided from August 18<sup>th</sup>.

CHAIR VICTORINO: Oh, you don't have the December...September 15<sup>th</sup>? You know what, we're going to take a quick recess so we want to make sure Corporation Counsel has a copy. . . .*(gavel)*. . .

**RECESS: 12:49 p.m.**

**RECONVENE: 12:49 p.m.**

CHAIR VICTORINO: . . .*(gavel)*. . . The Policy and Intergovernmental Affairs Committee will reconvene. Mr. Spence, you have any comments on the revised bill?

MR. SPENCE: Yes, thank you, Mr. Chairman. The...I believe the revised bill is a better bill. I'll start out with that. And because it's dealing with one thing, the ability of the counties to take their general plans to the State Land Use Commission for district-wide boundary amendments. And it does not deal with the enforcement issue which I do think enforcement for the Land Use Commission is very important, but that's a separate topic that should be dealt with separately on a State level. And I think...if I didn't mention, the other planning directors are meeting quarterly and we agree that, you know, the enforcement issue does need to be...there does need to be some legislation on that but we should keep these two things separate. Let me give you...there's some of the information in this bill, but I just wanted to say, you know, we started our State land use, district land use scheme in 1961 and really what it was for was to protect the plantations. You know that was the main economic engine at the time and the State Land Use Commission was formed. And it was really supposed to keep land use planning at a 30,000-foot level. In 1964 there was an amendment to Chapter 205 where the, at that time it was the Land Use Commission that was

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

**September 22, 2016**

---

supposed to do a five-year boundary review. Every 5 years they were supposed to look at the Statewide boundaries and say, okay, we need a little bit more here, we need some more there, we need a lot more in this place or we need less in this other location. In the last 50 years, this has been done 3 times where the State has actually looked at the, Statewide looked at the boundaries and actually done something with them. So the whole Land Use Commission process has gone down from being a broader planning kind of exercise to a project-by-project review. Where we've even gotten down to...I mean the Councilmembers are familiar with the level of detail we get into when you change zoning on a piece of property. You get into the traffic, you get into archeology and you should, but we do that also on a State level from people who are not located here on Maui that we do have representation on the Land Use Commission. It has gotten down to...the project-by-project review has gotten to such a state that we're getting into requirements that a certain subdivision have low-pressure sodium light fixtures. Those are, end up being the conditions on their district boundary amendments. So we've lost sight of...at least on the State level, we've lost sight of a larger picture and we're into the weeds on project review. This idea of doing more district-wide has, it has support from the other planning directors. It has support even from the Executive Director of the Land Use Commission, because they would like to do more district-wide kind of planning stuff. There's...let me identify quickly, there's like five reasons or five big problems with things going down to the project-by-project review. First one is only the big guys can get through this. You know I mean we go oh my God, A&B they're so powerful, they have all this land, they're the ones that get everything that they want, and Maui Pine and all this, and that's the feedback I've been getting for years now that it's the big project, the big landowners get their way. But the big landowners are the only ones that can tackle this process. It costs...I talked around with a couple of consultants, it costs about \$750,000 to go to the Land Use Commission, and that's just simply because you own a piece of property more than 15 acres. So that's just to go to the LUC, you know, that includes you have to hire an attorney and all your consultants, et cetera. Then you come to the County and I'm not excusing us from our own place in expense and length of permitting, but it costs a whole lot of money there too. So our land use scheme is very expensive. A lot of it is redundant. From the EA/EIS process, we look at certain things, we look at traffic, we look at archeology, we do Cultural Impact Assessments, we look at water, we look at a whole lot of different things. The Land Use Commission looks at exactly those same things. We look at them again as a County with exactly the same things. And if you're in the Special Management Area, we look at them a fourth time. It takes about seven years to get through the entire process. We talk a lot about good planning, what we should be doing as a County and what we should be doing as a State. And when you look at places like Seattle and Portland, everybody looks at them as a model of what should be done. They are on the cutting edge of planning. When they adopt a general plan, along with it goes a zoning ordinance and they go ahead and they zone right then in accordance with their plan. They don't sacrifice environmental review. That is going to be in there at, on a project basis but it's, but they do it once and they do it very thoroughly instead of over and over. It's also not just Seattle, it's around the country that zoning and in this case because we have a multi-tiered land use scheme that zoning follows your General Plan. And I'll just...I'll pretty much go ahead and stop with just this, last session

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

**September 22, 2016**

---

when Representative Yamashita proposed a bill to say, you know, the counties shall submit their general plans for review, I thought that was a little too much. I thought it should be more permissive. I don't think we should...the County should be able to choose when they're ready to go to the Commission instead of just saying shall. I do not...again, I'm not saying this would eliminate environmental review at all, I think that's critical to our land use processes. I also think that we wouldn't just take all the projects say in the Maui Island Plan to the Land Use Commission. There are some that are just not ready for primetime and redistricting. Perhaps we should do this in increments of like ten years at a time or something. There are projects that are no longer on the books such as Olowalu. Other landowners have at least told me that they're not going to pursue certain entitlements. So there would be some selection in this in what we take to the Land Use Commission, it wouldn't be just everything. So but we would certainly look as a way the law was originally intended to be, look at it on a needs basis for our County. So, okay, with that, Mr. Chairman, thank you.

CHAIR VICTORINO: That's a lot.

MR. SPENCE: It's something I live with every day, having been to the Land Use Commission probably a dozen times now and witnessed the time and energy on the part of the applicants, but also the burden on Planning staff and on Corporation Counsel to meet numerous deadlines, it's a very, very intense process. And there should be some intensity to it. Certainly we don't want to make mistakes. But to do it redundantly with each step of the process, we should be able to go ahead and take our plans and start to implement them.

CHAIR VICTORINO: Okay. You've pontificated enough.

MR. SPENCE: Thank you, sir.

CHAIR VICTORINO: So I'm going to call upon Mr. Kushi 'cause he's raised his hand twice. Okay, Mr. Kushi, would you like to add something please?

MR. KUSHI: And I'll try to keep it short, Mr. Chairman. I thought about this and I'm glad it's a State process, Legislative and not the County that needs to decide on this because I offer you a scenario nightmare situation. First of all, I view community plans, general plans as a political Legislative process, not an administrative ministerial process. Land Use Commission proceedings are administrative in nature, various requirements like an EA. So, you know, after the County finishes its General Plan and if this law passes, let's say you go and try to redistrict all of Maalaea and whatever. And let's say there's 100 landowners, private landowners involved, you think they're going to just sit down? Let's say half of them object to it. They have a vested right to get involved with these proceedings. So you have 50 interveners that the County would have to deal with it. Again, I can see it an administrative nightmare not only for Mr. Spence's Office but for my office. Okay. In any mass rezoning or redistricting, there's going to be a lot of backlog, a lot of opposition. Usually the landowner goes into the Land Use Commission, not the County are not the one who designates this property as Ag or Urban. And until the landowner goes into the Commission, unless

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

**September 22, 2016**

---

there's a consistency element involved in this getting a building permit, they don't have to change a district boundary amendment...district boundary designation, only if there's a consistency-related requirement. So again, you know, I offer you this administrative procedural nightmare situation that may come about. So that's all I need to say.

CHAIR VICTORINO: Mr. Spence, do you have anything you'd like to add after hearing that from Mr. Kushi?

MR. SPENCE: With all due respect to Mr. Kushi, I don't think this would be the nightmare that it already is, so.

CHAIR VICTORINO: Okay. Differences of opinion, okay, and I think that happens every time, so I know we're going to have a lot of differences of opinions now, and I know Mr. Couch has jumped off the couch and is ready to ask a question. Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair. I...Mr. Kushi said one thing that puzzles me a little bit. You're saying that if their district boundary amendment is Ag and they want to do a Rural subdivision, I mean a Urban subdivision, they don't have to do a district boundary amendment?

MR. KUSHI: Let me give you an example. Let's say the existing property wherever it is, has a boundary amendment designation as Rural, okay, and he has County Rural zoning. But through the political process, the General Plan changes it to Ag. Okay. Then the County goes in to redesignate his property as Ag, that may cut off a lot of his proposed uses that he has an entitlement to right now.

VICE-CHAIR COUCH: Yeah, I understand that portion, but most of the time it's the other way around, it's...

MR. KUSHI: Or worse yet, you designate it as Conservation and he can't do anything, you know.

VICE-CHAIR COUCH: Right, right. Okay. Mr. Chair, one of the reasons this is...this kind of does a home rule kind of thing is that we spent two years of most of us on this current Council coming up with a Maui Island Plan that drew the lines where we said this is where we want urban and this is where we want rural. In the spirit of home rule, we should be able to go to the State and say this is where we've planned for our urban growth or our rural growth so in order to make things...get things done, you know, with expedited manner and as Mr. Spence said it's up to \$750,000 if you want to do a district boundary amendment. All that goes into the price of the housing, whether it's affordable or not, it goes into the price of the housing, and the number of years it takes as well. So if we as a community have said this is where we want our urban and our rural then it should be okay to have us go to the State and say hey, State, this is where we want our urban and our rural, do you have any issues with that? 'Cause that's what the Land Use Commission is for, saying is this going to be Ag, is this going to be Urban or is this going to be Rural, not all right, this is going to be Urban but you

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**

**Council of the County of Maui**

**September 22, 2016**

---

can only do this, this, and this. That's not their function. Their function is yes, it's okay to go from Ag to Urban or Ag to Rural or Ag to Conservation. And so I think that this will give us a little bit more of a home rule thing, and as Mr. Spence also said, at Change in Zoning time, then that's where we can do the conditions and get the conditions that are necessary. So I'm very supportive of this. Thank you, Chair.

CHAIR VICTORINO: Thank you, Mr. Couch. Any other comments or questions for Mr. Spence or Mr. Kushi? Seeing none, I'd like to make my recommendation.

COUNCILMEMBERS: Recommendation?

CHAIR VICTORINO: The Chair would like to entertain a motion to adopt the proposed resolution entitled Approving for Inclusion in the 2017 Maui...hang on a second, one moment. I was reading the wrong line. Okay. I turned the page too quickly. Okey-dokey.

UNIDENTIFIED SPEAKER: Page 8.

CHAIR VICTORINO: Okay. Yeah, I'm on the right page now. Yeah. The Chair would like to entertain a motion for the proposed resolution entitled Approving for Inclusion in the 2017 Hawaii State Association of Counties Legislative Package a State Bill to Allow Counties to Petition the State Land Use Commission for Regional District Boundary Amendments After the Adoption of the General Plan Updates.

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

COUNCILMEMBER CARROLL: Second.

CHAIR VICTORINO: It has been moved by Mr. Couch and seconded by Mr. Carroll. Any further discussion? Seeing none, all those in favor, signify by saying "aye."

COUNCILMEMBERS: Aye.

CHAIR VICTORINO: Opposed? So let the record show seven "ayes," two excused, again Mr. Hokama and Mr. White.

**VOTE:       AYES:       Chair Victorino, Vice-Chair Couch, and Councilmembers Baisa, Carroll, Cochran, Crivello, and Guzman.**

**NOES:       None.**

**EXC.:       Councilmembers Hokama and White.**

**ABSENT:     None.**

**ABSTAIN:   None.**

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

**September 22, 2016**

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**MOTION CARRIED**

**ACTION:     Recommending ADOPTION of revised resolution.**

CHAIR VICTORINO: Thank you very much. Now with your permission, I would like to...the last two items we have for HSAC, Mr. White really needs to be here, I'd like him to be a part of, and hopefully he'll be back shortly. What I'd like to do with your permission is stop here with HSAC and move into the Maui package. And you'll find a lot of correlation so we can I think move along expedientially with the Maui package. And let's see how that works out. So with your permission and no objections, I will change to the Maui package.

COUNCILMEMBERS: No objections.

CHAIR VICTORINO: Thank you very, very much. And that's why I was ahead of myself, I had turned to the page already. Sorry about that, folks. Okay.

**ITEM PIA-4(2):   MAUI COUNTY LEGISLATIVE PACKAGE     (2017 MAUI COUNTY LEGISLATIVE PACKAGE) (CC 15 158)**

CHAIR VICTORINO: We will start off with item number...okay, hang on a second. Okay, item number one was actually item number two here, for the County Legislative Package, 2017 Maui County Legislative Package is PIA-4(2). Okay. Now this one I will start by saying the Committee is in receipt of correspondence dated August 30, 2016, from Councilmember Elle Cochran, transmitting a proposed resolution entitled Approving for Inclusion in the 2017 Maui County Package a State Bill Prohibiting Smoking in Motor Vehicles Occupied by Minors Under the Age of Thirteen. The purpose of the proposed bill is to approve for inclusion in the 2017 Maui County Legislative Package a proposed State bill, attached to the proposed resolution as Exhibit "A," entitled A Bill for an Act Relating to Smoking. The purpose of the proposed bill is to prohibit smoking in motor vehicles occupied by minors under the age of 13 years of age. At this time, I'll call upon Ms. Cochran to make an opening statement.

COUNCILMEMBER COCHRAN: And thank you very much, Chair. Yeah, I believe this isn't the first time this body has spoken in reference to this item, and it's been...so there's multiple reasons as to why this support for the smoke-free vehicles when children are present I would like to see put into the package. But first I just wanted, if I can get clarification from Staff, I think we're doing some changes to the Code. If Ms. Willenbrink can clarify where we're at with this item, Chair?

CHAIR VICTORINO: Ms. Willenbrink, you have something you can address to that question?

MS. WILLENBRINK: Thank you, Chair. Yes, I have been assigned a project to explore both avenues and so I'm working on a bill for the Code as well as the package bill.



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

**September 22, 2016**

---

COUNCILMEMBER COCHRAN: Oh okay. So there's a side item being conducted outside of this --

MS. WILLENBRINK: Correct.

COUNCILMEMBER COCHRAN: --item here?

CHAIR VICTORINO: So when you say a side item just so the clarification both for the public and we on the Council, are you working on something like an ordinance for Maui County as what we're discussing about prohibiting smoking in vehicles with minors under 13 and then still including to the State in our legislative package the same proposal?

MS. WILLENBRINK: Yes, Chair.

CHAIR VICTORINO: Okay. So are we clear with that? That concurrently you're working on an ordinance for Maui County and at the same time we're including this in our legislative package to the State Legislature to see if they will look at doing something of the same nature.

COUNCILMEMBER COCHRAN: Right.

CHAIR VICTORINO: Are you clear with that, Ms. Cochran?

COUNCILMEMBER COCHRAN: Right, right, right, right.

CHAIR VICTORINO: And all the Members?

COUNCILMEMBER COCHRAN: Yeah. It's...

CHAIR VICTORINO: And I want the public, everybody to be clear what that side was. Because when you say it that way --

COUNCILMEMBER COCHRAN: Right.

CHAIR VICTORINO: --it's like there's a side, something happening on the side.

COUNCILMEMBER COCHRAN: Well, a concurrent I guess.

CHAIR VICTORINO: Yeah, we use the word concurrent.

COUNCILMEMBER COCHRAN: Adjusting the Code, yeah.

CHAIR VICTORINO: Okay.

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**

**Council of the County of Maui**

**September 22, 2016**

---

COUNCILMEMBER COCHRAN: And so I guess just to highlight some bullet points as in to the reasoning. There's the ethical, moral aspect of this, and it's practical, I guess in the sense where children don't...many children would not have the ability to speak out to the negative nature that this can be. There's I guess consistency too, there's a lot of public education within schools, you see them in ads, you see them in whether it's on TV or magazines and papers, what have you, in reference to, you know, don't start smoking, it's a bad thing. And there's the I guess economic issue where secondhand smoke has proven to be, you know, detrimental health-wise and thereby the health costs that are associated with that too. And there's...and I guess the public health and safety issues. So those are some, I guess some different bullet points as to referencing the positive nature that, to this item. So, Chair, with that, I can hear comments from other Members.

CHAIR VICTORINO: Thank you, Ms. Cochran. And, you know, I think all of us...well, I'll speak for myself, wholeheartedly agree that smoking has been the scourge of our society, and we've now proven beyond a reasonable shadow of a doubt that there are a number of adverse effects to our health. And secondary smoking, smoke is also contributory to health issues out there. So, you know, so this would be a secondary smoking issue where parents and other adults may be smoking in a car, and the child is, you know, stuck with what their...stuck with the smoking within the car itself. And I think that's something that really needs to be addressed. But more importantly making sure that young ones...cause we have age...we already have you cannot smoke, I think what, 21 now you cannot buy cigarettes? You cannot buy tobacco products till you're 21, just like alcohol. So this is just another step for big brother to, you know, help our society realize its ills and change what we need to change. Any other comments from the Committee Members? Mr. Guzman and then we'll work our way down. Okay, go ahead.

COUNCILMEMBER GUZMAN: Oh, thank you, Chair. I just looking at it at a different perspective. Although I agree with health concerns --

CHAIR VICTORINO: Yeah.

COUNCILMEMBER GUZMAN: --regarding our children, we have to look at the right to own property. And when we compare this to laws that prohibit smoking, all of those are in public areas. Now we're taking a step further and saying okay, your private area which is basically a car we're now going to regulate. I'm not sure whether we're going too far. There's got to be a nexus between what is, you know, what is the result of smoking in a car? Is it going to cause more damages? Is it going to cause more accidents like DUI? At some point, you can drive while you have drunken alcohol but it's a certain level, .08 right? So they're allowed to drive but the nexus is it causes accidents if you're at a certain alcohol blood level. Now in this case are we far reaching, are we now saying okay, we're going to regulate smoking in a private area? I'm not sure if we're going too far. I completely understand the health consequences, but there's the other balance, do people have a right to do what they want to do in their private areas, you know? And you have to compare it to our public smoking laws, those are in public areas where it affects the community as a whole.

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

**September 22, 2016**

---

CHAIR VICTORINO: Right.

COUNCILMEMBER GUZMAN: So --

CHAIR VICTORINO: And I'll...

COUNCILMEMBER GUZMAN: --these are balancing questions that need to be, you know, asked. They are the hard questions, and so just something to put out there to vet out and talk about. Thank you, Chair.

CHAIR VICTORINO: Yeah, and I will agree with you that, you know, it may be coming close to, you know, intruding on your private rights. But I also will say you do use and travel and traverse public roads. Okay. I can put that out. It's just like going to a public building. You know I can't stop you from smoking in your house, that's your private property. I'm just taking it one stance. You know I learned with you lawyers, you stretch it --

COUNCILMEMBER GUZMAN: No, no. No, no, I'm just saying --

CHAIR VICTORINO: --one way, I'll stretch it...

COUNCILMEMBER GUZMAN: --what is the nexus?

CHAIR VICTORINO: Yeah, well, the nexus...

COUNCILMEMBER GUZMAN: I mean have you...does it cause more accidents on the road by smoking --

CHAIR VICTORINO: Well, there's...

COUNCILMEMBER GUZMAN: --or are we talking about individuals in a private area that we're affecting the children?

CHAIR VICTORINO: And then affecting children I think has a great bearing.

COUNCILMEMBER GUZMAN: So then let's create a law that says in your private home you cannot smoke if you have a 13-year-old in your house.

CHAIR VICTORINO: Well, I don't know.

COUNCILMEMBER GUZMAN: 'Cause that's a private area.

CHAIR VICTORINO: Yeah.

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

**September 22, 2016**

---

COUNCILMEMBER GUZMAN: You know what is the nexus on traversing on the road? Is it going to cause more accidents? I'm just trying to figure out how we're going to regulate this.

CHAIR VICTORINO: Well, already the police...

COUNCILMEMBER GUZMAN: What is the nexus to it. Or...okay.

CHAIR VICTORINO: Our police have so much to do already, I agree with you.

COUNCILMEMBER GUZMAN: Yeah.

CHAIR VICTORINO: But I'm just saying...

COUNCILMEMBER GUZMAN: No --

CHAIR VICTORINO: Yeah.

COUNCILMEMBER GUZMAN: --I completely agree with the health consequences, I'm just throwing out the flipside of it --

CHAIR VICTORINO: Right.

COUNCILMEMBER GUZMAN: --that says wait, we're...are we going too far infringing on people's right to their own privacy or their sanctuary?

CHAIR VICTORINO: You may be.

COUNCILMEMBER GUZMAN: Okay.

CHAIR VICTORINO: Yeah. Thank you.

COUNCILMEMBER GUZMAN: Thank you.

CHAIR VICTORINO: Ms. Crivello?

COUNCILMEMBER CRIVELLO: I like those thoughts and I'm going to just leave it there, because I think those questions are valid for us to be asking. And if we're going to put in laws, how will our enforcers enforce it also?

CHAIR VICTORINO: Yeah.

COUNCILMEMBER CRIVELLO: So often we make regulations and laws and there's difficulty for us to enforce it.

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

**September 22, 2016**

---

CHAIR VICTORINO: AKA the cell phone ban which if you ever stand on the side of the road and start waving at people, you'll see how many people still use their cell phone while they drive, and there's a nexus we know for a fact, but.

UNIDENTIFIED SPEAKER: And it causes accidents.

CHAIR VICTORINO: That's right. Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair. I too have the concerns that Mr. Guzman had. You know when this was brought to my attention and asked if I would support something like this, I'm torn on this one. The thing is is the child has no say in the matter and they're in an enclosed vehicle. At least in a house, they have a place that they can go that's not, you know, they have to deal with the secondhand smoke. So there is that concern and it's a very legitimate concern. But as Mr. Guzman says, how far do we go? So, you know, the kolohe part of me wants to send it to the State and let them have that nice discussion on the floor. And the other question I had, if this does move forward, why did it go down to 13? I know the no-smoking, tobacco-free folks were asking for 16 at one time. So I would ask Ms. Cochran why it went to 13 instead of 16?

CHAIR VICTORINO: Ms. Cochran, would you like to address that question?

COUNCILMEMBER COCHRAN: Not offhand but I'll be willing to raise it up to 16 or 18.

CHAIR VICTORINO: Well, I think if Kauai's example and they did something very similar, and their Chair basically said in his comments it's easier to identify a 13-year-old than a 16-year-old. And if you use that rationale, it's a little bit easier to identify a 13-year-old in a car than a 16-year-old. So I think that was the rationale that they gave on Kauai and that's how they passed their bill. So again, just, you asked the question and that's the...the question that was asked, I asked that question to the Kauai Council and the Chair gave me that response.

VICE-CHAIR COUCH: It's reasonable.

CHAIR VICTORINO: Yeah, okay. So just to give you the clarification on that one. Okay.

VICE-CHAIR COUCH: Thank you.

CHAIR VICTORINO: Ms. Cochran? Oh wait, you already did. Yeah.

COUNCILMEMBER COCHRAN: Oh yeah. No.

CHAIR VICTORINO: Ms. Baisa?

COUNCILMEMBER COCHRAN: Pass.

CHAIR VICTORINO: I'm sorry.

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

**September 22, 2016**

---

COUNCILMEMBER BAISA: Thank you very much, Chair. I am very interested in the remarks of Member Guzman because those are the kinds of things that I get from a smoker, I live with one. And the other questions that I have, you know, I don't question the health issue. I grew up with a father who chain smoked and I think that that set me up for allergies for the rest of my life. I'm very, very allergic to cigarette smoke and as a child suffered a lot from hay fever and asthma, and it was my father with his Camels which eventually killed him when he was 46 with a major heart attack. So, you know, I'm very much aware of the health issues. But when we get to the other issues which you raised, Member Guzman, I think those are very logical, and my husband has raised those. He says when are we going to...when do smokers have rights? Everybody else has rights, we have no rights. If he...he says if you're going to keep doing this then just make cigarettes illegal and end the whole thing and then you don't have to worry about all this. And I totally agree too with the Chair's remarks about enforcement. You know I drive to and from work every day and all over this island and everybody's on the phone. And so I don't know if we want to make more laws to keep our policemen busy. They have so many other things that we want them to watch like speeding and running red lights and those kinds of things. So I think a lot of this has to be personal responsibility. You know we have tried for years in America to legislate behavior and it doesn't work. So anyway, I can support it, Chair, if the majority wants it, but I do have misgivings about it.

CHAIR VICTORINO: Thank you. Mr. Carroll?

COUNCILMEMBER CARROLL: Thank you, Chair. I definitely think and I thank Ms. Cochran for bringing it up that smoking in cars especially with children or other people in the car...actually it's something that affects anybody riding in that car, it's not just children. It's smoking in a vehicle in a contained space. Ideally it would be if there's more than one person in the car that no smoking would be allowed if we're looking at the damage of secondhand smoke, and that's what's probably really needed. I really worry about the enforcement. It's such a common sense thing that I just can't believe people outside there are still so insensitive or so selfish that they cannot go over there and restrain from smoking when they have children or other people in the car. I mean this is just pure common sense that they shouldn't be doing it. Again, if we're going to address it, it should be if there's more than one person in the car, no smoking should be allowed. For the legal...and that of course would be easily enforceable because if there's more than two people in a car and somebody is smoking, well obviously, you know, there's a violation going on. But I don't see how the police can really enforce this, it's...the enforcement would be a horror story. I'm sure the policemen are all going right now, going oh my goodness, we have a hard enough time with cell phones and safety belts and everything else that we still have a hard time with and one more thing is going to be so difficult. What we really need is to be spending more money and the tobacco money that comes through every year that is misused by government, to go over there and focus more on what really needs to be done. Government has constantly misused that money instead of using it for things like we're talking about right now, education of the public and trying to go over there and keep our people healthy. So I have a difficult time. I totally agree that it's bad but

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

**September 22, 2016**

---

I don't know if I can support it because of the enforcement area. But again, I thank Ms. Cochran for bringing it up, because it needs to be brought up, it needs to be discussed, and we need to look for solutions. Thank you, Chair.

CHAIR VICTORINO: Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you, Chair. Yeah, I also would like to thank Ms. Cochran for bringing this up, and especially it is a health issue. And I would support it if they could...if there was a correlation to safety on the road. If there could be provided information that smoking would, you know, resulting of smoking in the car causes more injuries or people speed. It has to be something traffic-related, because every law that we've passed so far deals with a safety issue on the road, seatbelt law, the cell phone law. There was a correlation of people speeding or not paying attention while they were using their cell phone so therefore cell phone law. Safety checks, that was another thing, is your car safe for driving. Speeding, all, everything that deals with violations in a car deal with safety. Now until there's some type of correlation that causes some kind of result on the road, it doesn't make sense to me. I don't get it. I only get the health part of it, so I'm kind of caught that way. I could pass this through. I could see that the police could use this as a tool for probable cause, just to pull people over and check them out. You know suspects and if someone's smoking, they could use that as probable cause to just pull them over and go through a whole search and seizure and whatever they find, they find. Just like invalid safety checks, it's used for probable cause all the time for pullovers. So I can see that advantage for our police officers. So there's two ways to look at things. Thank you.

CHAIR VICTORINO: Okay. I think we're beating this horse till it's not only dead but it's been trampled on already. Ms. Baisa?

COUNCILMEMBER BAISA: I just want to tag on a little bit to what I said earlier. I just want everybody to know that I do have a very considerate smoker at home, and he doesn't smoke in the car because he would not be allowed to do that because of my allergy. Because I really, really get sick and it doesn't take --

CHAIR VICTORINO: Right.

COUNCILMEMBER BAISA: --much, you know, and turns into pneumonia if I let it go long enough. But again, I really think that we've got to figure out this enforcement part. But I can tell you what I think this might do and I want to thank Member Cochran for bringing it up. People are watching this and they are listening to this discussion, and it will bring the awareness up, and maybe some of the folks will get it and say hey, I hadn't thought about that but this is causing trouble for the people in my car so maybe I shouldn't smoke while they're in it. So that might help, this is part of education.

CHAIR VICTORINO: Well, I think you hit the nail right on the head, like my dad, he was always a firm believer in never smoking in the house and never smoked in the car

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

**September 22, 2016**

---

when the kids and my mom was in the car. If he was by himself, he'd smoke but anybody was in the car, he didn't. And again, some people have common sense, others do not, you know, that is the challenge. And I agree with you, enforcement, nexus to safety and all of that really, is really a challenge with this particular bill. The awareness is important and I think that's good. But you mentioned about search and seizure. You'd have to have somebody in the car that's a minor, because if somebody was driving and smoking and there's nobody else in the car and you stopped it, that would be an improper stop and search, you know. So I, you know, I don't know if that would go in that direction. I didn't want to go there. Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you. And so just in closing, my last plea and remarks, I, you know, I appreciate that this is an educational thing. I think number one that is why this is being presented here today for, to have this discussion on the table. And number two, I think the, in regards to Mr. Guzman's comments about the nexus between safety on the road, how does this correlate is a difficult one to tie in when you reference the seatbelt and the cell phone distracted driving issues. This is a health, mainly a health issue. It's a contained area where it's smoke filled and it's saying it's detrimental to the passenger in the car being 13 years and under. And that it is our obligation as government, as people who pay for healthcare costs in social services and what have you, have kind of that direct relationship to it. So if we can address that on our behalf in this manner in putting out this type of, you know, law then so be it, to address the health aspect which trickles down to yeah, we fund these types of health services. And the other thing is, you know, it's, another form, could be a form of abuse in a sense. You know we don't want to have parents harm their families, whether it's physical, mental, verbal. This is another action of sorts that is a form of abuse as in health, again, factor. Because it's been, studies have shown that it's three times greater, a smoke-filled car has three times greater toxins in the air than in a smoky bar. Not that we want to drag our children into smoky bars either. And the health, Public Health Institute has said that, you know, has similar thoughts. But the State House Transportation Committee unanimously approved a bill that would prohibit smoking in motor vehicles with a minor present, and that legislation also carries a \$100 fine to anyone. This also includes e-cigs. For 18 and under, even when the windows are rolled down. So State House Transportation Committee has talked this through and has unanimously approved such a bill. And if this measure were to pass via us, this...we would...the State or Hawaii, the State would become the eighth state to prohibit such measures. So it's not something new, others have done it and have lived with it. So just wanted to put that out there, and again, mainly to put it on the table for discussion at this time too. Thank you, Mayor...thank you, Chair.

CHAIR VICTORINO: Okay. I got it. And, Ms. Cochran, again, I think no one disagrees with the health issue. I think all of us agree with or all of us have that concern about enforcement and the nexus to safety. You know again, I think California and other states have done it and I think, you know, we can but we'll see how this goes. Mr. Carroll?

COUNCILMEMBER CARROLL: Thank you, Chair. It's always hard for us on the end yeah, sometimes?



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

**September 22, 2016**

---

CHAIR VICTORINO: Yeah, I know, they don't notice us out on the end. No problem.

COUNCILMEMBER CARROLL: No, I'd just like to say that the organizations that we've always supported, Coalition for Tobacco-Free Hawaii, Hawaii Public Health Institute that work with Hawaii Children's Action Network, Hawaii Appleseed and others are going along the same line, and I'm sure that Ms. Cochran also works with them and I've met with them extensively. And it's a real problem, it's something that's a shame that we have to use, look at legislation to solve it but we do. And they do have active training. And if anybody is listening outside there to us and going oh my, why don't they just do it, get active with them. They have...I see training I think October 5<sup>th</sup> they have, if you contact them, they'll help you on working on doing what we're talking about today. And that's what you people out there in the public that are listening to us now, that this needs to be a groundswell public effort to go over there and educate and try to get people to do this without legislation. If we have to go to legislation, we do it, as for instance when we stopped smoking in the bars because people that worked in the bars suffered extensive damage. And so we really need to pursue it and I would hope people outside there will work on it and get back to us. And hopefully it'll solve it without government passing legislation which is very difficult to enforce. Thank you.

CHAIR VICTORINO: Thank you. And if there's no further discussion, I'd like to make my recommendation.

COUNCILMEMBERS: Recommendation?

CHAIR VICTORINO: The Chair would like to entertain a motion to adopt the resolution entitled Approving for the Inclusion into the 2017 Maui County Legislative Package a State Bill Prohibiting Smoking in Motor Vehicles Occupied by Minors Under the Age of Thirteen.

COUNCILMEMBER COCHRAN: Chair, so move. Oh, Chair, so move.

CHAIR VICTORINO: Thank you. You're going to second? There's no second yet, I'm waiting for a second. Can you put your microphone on please?

COUNCILMEMBER GUZMAN: I'll second for discussion.

CHAIR VICTORINO: Okay. Well, I don't know if we want to keep discussing it, I think we've discussed it to the max. So but I what I was looking to is to really say to all of you, whichever way you vote is not indicative of your ability to understand the health consequences. I think we all agree with that. I think what we're kind of stuck in the mud, for lack of a better term, is enforcement and the nexus to health and safety or safety I should say, and leave the health out, safety on the highways which all our other laws seem to have been promulgated on the safety factor, right? So I'll just put it out that way, that way you're all clear, wherever you vote, whichever way you vote

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**

**Council of the County of Maui**

**September 22, 2016**

---

it's based upon that, that's the nexus that we're looking for more than anything else. So is there anything else anybody wants to add? Yes, Mr. Guzman?

COUNCILMEMBER GUZMAN: Yeah, Chair, I was curious on the, what Ms. Cochran was stating on the record about the, a bill that was passed out of the Department of Transportation Committee. That bill was passed out and then what happened to that bill?

CHAIR VICTORINO: I think it died. But do you know what happened, Ms. Cochran?

COUNCILMEMBER COCHRAN: Chair, Mr. Guzman, I don't have the follow-up once it got out of that Committee so I would have to look into that a little further. But that's just in the context of their Committee work, it had moved out.

COUNCILMEMBER GUZMAN: It moved out. So --

COUNCILMEMBER COCHRAN: Yeah.

COUNCILMEMBER GUZMAN: --my question, Chair, is if there's already a bill...

CHAIR VICTORINO: There is none.

COUNCILMEMBER GUZMAN: There is none.

CHAIR VICTORINO: I already checked into that.

COUNCILMEMBER GUZMAN: Oh okay.

CHAIR VICTORINO: So yeah --

COUNCILMEMBER GUZMAN: So there is none.

CHAIR VICTORINO: --it died in Conference. I mean it never went any further, after the Committee, it died.

COUNCILMEMBER GUZMAN: Oh, I see.

CHAIR VICTORINO: Okay, so I mean, so that's why it's really what you're trying to do is if anything, this would probably, hopefully stimulate people to think about it again. I don't know, but it did die and so it did not pass.

COUNCILMEMBER GUZMAN: So if the purpose is to educate, I mean by passing this bill out and by educating, bringing up the topic, wouldn't it be...I guess it would be reasonable to pass it through to have the topic brought up and discussed at the State level. That's...

CHAIR VICTORINO: Well...

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

**September 22, 2016**

---

COUNCILMEMBER GUZMAN: I mean if we're talking education purposes, right? I'm not folding my argument, I'm just saying that if the purpose is to actually educate then wouldn't it be sensible to move it out to the State level and let them discuss it?

CHAIR VICTORINO: Well, that's the kolohe part of Mr. Couch.

COUNCILMEMBER GUZMAN: Yeah, I know, I caught that. So then I was like okay, well if that's the purpose then I can go along with that.

CHAIR VICTORINO: I think it was more, I think there was more than that purpose but I mean I think we can...if we were to pass it out, I think that's where it's going to start as, as an educational tool and hopefully seeing that others would update it. Because Kauai has already passed this if...so the County Council of Kauai passed a very similar legislation. So that way one county has sent it forward. So if you want to send it forward, I have no qualms, it's your call. But again, we know what the issues were, you brought them up, Mr. Couch, others. The health issues are one thing, the nexus as far as like you said when it comes to the safety and other aspects of the law and how that would be related...and enforcement, okay, that's another issue in its entirety. And already like we all said, if you stand out there and sign wave or you drive around, a lot of...when you were driving around, and you know they're not scratching their ear when they drive by. So it's your call now, you know, so whatever you decide, yes or no, up or down, it's not a, you know, nothing against what you're thinking, I think it's what you're putting on the table right now. Okay?

COUNCILMEMBER GUZMAN: One more follow-up for you, Chair. You mentioned that Kauai passed one out.

CHAIR VICTORINO: Yes.

COUNCILMEMBER GUZMAN: Is that for their legislative package or --

CHAIR VICTORINO: Yes.

COUNCILMEMBER GUZMAN: --their ordinance?

CHAIR VICTORINO: No, it wasn't, yeah? It was just their...

MS. WILLENBRINK: I...

COUNCILMEMBER GUZMAN: Their...sorry.

CHAIR VICTORINO: Oh, whoa, whoa, whoa.

MS. WILLENBRINK: Excuse me. I believe it was for their code.

COUNCILMEMBER GUZMAN: Oh, for their code. Oh, interesting.

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

**September 22, 2016**

---

CHAIR VICTORINO: Which is different, yes.

MS. WILLENBRINK: Perhaps you could clarify, did they introduce it at the HSAC meeting?

CHAIR VICTORINO: No. No, they did not.

MS. WILLENBRINK: Mr. Chair, I do have an update on the bill from last session. And let me just clarify, bills are introduced on the odd years, they carry over to the even years and then they either die or move forward. The bill from last term was for minors so that would be 18 and under, and it did go all the way to Conference Committee --

CHAIR VICTORINO: Right.

MS. WILLENBRINK: --and then it failed to move.

CHAIR VICTORINO: Yeah. Yes, Mr. Couch?

VICE-CHAIR COUCH: So that kind of answered one of my questions already is that we can do...if we wanted to do this at a County level, we could do it at a County level apparently since they've done it. So that might be something that Ms. Cochran would want to introduce at a County level and have the discussion here. The other one is if it's already been through Conference Committee for minors, they've had that discussion over and over and over again. So us sending it to them again, they're just gonna...you know we have to pick our battles --

CHAIR VICTORINO: Thank you.

VICE-CHAIR COUCH: --and this one might be one that they've already done and they're just looking at Maui County saying oh --

CHAIR VICTORINO: Here we go again.

VICE-CHAIR COUCH: --now they're going to throw everything out with...because we're trying...

CHAIR VICTORINO: Throw the bathwater with the baby, yeah?

VICE-CHAIR COUCH: Yeah, yeah.

CHAIR VICTORINO: Or the baby with the bathwater.

VICE-CHAIR COUCH: So, you know, I'm very torn. And I think if it can be done at a County level, maybe that's the level that we should have the discussion.

CHAIR VICTORINO: And we're presently working on that right now.

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

**September 22, 2016**

---

VICE-CHAIR COUCH: So I can see again that this one's really tough. Thank you.

CHAIR VICTORINO: Well, again, you know, I'm going to conclude by saying I understand again the rationale and nexus for this like Mr. Guzman has said is, it's health and we got that but on the other side what safety issues are brought up because of it? And if we don't have really something to connect to safety issues on the State level, that's probably why it's not going anywhere. Whereas, on a County level, it's really a County issue and then maybe it's more palatable at that point, and I think something like that we could support if you're talking something local. Again, like we did with our cell phone bill, we did it before it became a State bill. You know although Oahu had done it before us. But it's not the point, the point, counties can do and bring these forward and then hopefully one day the State goes bing, oh yeah, it makes sense, and they do it. Yes, Ms. Cochran?

COUNCILMEMBER COCHRAN: And thank you, Chair. And so the ordinance, it was an ordinance passed through Kauai County in their code.

CHAIR VICTORINO: Yes.

COUNCILMEMBER COCHRAN: And that is the reference that Ms. Willenbrink made earlier for my PAF that is in progress right now --

CHAIR VICTORINO: Right.

COUNCILMEMBER COCHRAN: --through our County level. So what Mr. Couch is explaining is currently occurring --

CHAIR VICTORINO: Right.

COUNCILMEMBER COCHRAN: --and so I'm just trying to cover all bases in a sense to put it here and then also work it on the side on the County level. So, so be it, however the body decides, but this is why, I'm just trying to see where it'll stick and if it doesn't then I'm going to go here instead. And --

CHAIR VICTORINO: Well, I think...

COUNCILMEMBER COCHRAN: --so the County level is occurring.

CHAIR VICTORINO: Let me be very honest with you, Ms. Cochran. I wouldn't waste my time with the State, and I'd go work hard on getting it passed on the County level. I think you'd have a much better chance and I think you'd have better support.

COUNCILMEMBER COCHRAN: Yeah. So and that's fine, Chair, and, you know --

CHAIR VICTORINO: So...

COUNCILMEMBER COCHRAN: --we, the votes can reflect that and we can move on.

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

**September 22, 2016**

---

CHAIR VICTORINO: Okay. So if there's no further discussion, I'll call for the question. All those in favor, signify by saying "aye."

COUNCILMEMBERS: Aye.

CHAIR VICTORINO: All those opposed?

COUNCILMEMBERS: No.

CHAIR VICTORINO: Let the record show one, two, three, four...five "ayes"...wait, two "ayes," excuse me, 'cause I vote "aye" too.

COUNCILMEMBER COCHRAN: Okay.

CHAIR VICTORINO: Two "ayes," five "noes," and two excused.

<b>VOTE:</b>	<b>AYES:</b>	<b>Chair Victorino and Councilmember Cochran.</b>
	<b>NOES:</b>	<b>Vice-Chair Couch and Councilmembers Baisa, Carroll, Crivello, and Guzman.</b>
	<b>EXC.:</b>	<b>Councilmembers Hokama and White.</b>
	<b>ABSENT:</b>	<b>None.</b>
	<b>ABSTAIN:</b>	<b>None.</b>

**MOTION FAILED**

CHAIR VICTORINO: Sorry about that. I get hard time with my math sometimes. You know what, we're going to take a quick break. Hopefully Mr. White will be here shortly. If not, we'll continue with our Maui package. We've made some good progress. We have...a lot of these now that will be coming up already have been passed in the HSAC package so it's rather more or less it's been passed already and just putting it in our Maui package. So I'm going to ask everyone to please be back...I'm going to give you a good break, be back at 1:55 in your chair if possible. Thank you. This meeting's in recess. . . .(gavel). . .

**RECESS: 1:43 p.m.**

**RECONVENE: 2:07 p.m.**

CHAIR VICTORINO: . . .(gavel). . . The meeting of the Policy and Intergovernmental Affairs Committee will come back to order. At this time before I move any further, I would like to bring forward seven of our bills that have been approved on the HSAC and that

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

**September 22, 2016**

---

are identical in the Maui package. And so I would like Ms. Willenbrink to call up those particular items and I have my...I had my...yeah, hang on, hang on. And bring up those seven particular bills that have been passed from HSAC 'cause they're identical in the Maui package, and I would like to in one motion approve all of those seven so that we can now move on. So that seven would be inclusive in our Maui package and then we can work on those that have not been completed. And at this time, I'd like to recognize the attendance of the Chair, Mr. White. Thank you for being here, Mr. White.

COUNCILMEMBER WHITE: Aloha, Chair. Sorry for my lateness.

CHAIR VICTORINO: No, no, we all knew you were coming a little bit late and traffic coming back from Lahaina is never an easy challenge. Okay. Go ahead, Ms. Willenbrink, if you would.

MS. WILLENBRINK: Yes, Mr. Chair. The following resolutions have been approved for the HSAC package. Approving for Inclusion in the 2017 Maui County Legislative Package a State Bill to Allow Persons with Disabilities to Indicate on Their Identification Cards Their Disability. Number two, Approval [sic] for Inclusion in the 2017 Maui County Legislative Package a State Bill to Allow Certain Government Records to be Shared Among Councilmembers Where No Commitment Relating to a Vote on the Matter is Made or Sought. Number three, Approving for Inclusion in the 2017 Maui County Legislative Package a State Bill Relating to Transient Accommodations Tax. Number four, Approving for Inclusion in the 2017 Maui County Legislative Package a State Bill to Enable Councilmembers to Freely Attend Community Meetings. Five, Approving for Inclusion in the 2017 Maui County Legislative Package a State Bill Relating to Important Agricultural Lands. Six, Approving for Inclusion in the 2017 Maui County Legislative Package a State Bill to Allow Counties to Petition the State Land Use Commission for Regional District Boundary Amendments After Adoption of General Plan Updates. And finally, Approving for Inclusion in the 2017 Maui County Legislative Package a State Bill to Increase Revenue for Each County's Affordable Housing Fund Through a One Percent Conveyance Tax.

CHAIR VICTORINO: Okay. Do I have a motion?

VICE-CHAIR COUCH: Mr. Chair, I move to approve those that she just read to be on the Maui County Legislative Package.

COUNCILMEMBER BAISA: Mr. Chair, I second the motion.

CHAIR VICTORINO: Okay. Any discussion? Seeing none, all those in favor, signify by saying "aye."

COUNCILMEMBERS: Aye.

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

**September 22, 2016**

---

CHAIR VICTORINO: Opposed? Let the record show five “ayes,” no opposed, and one, two, three...four, Ms. Cochran, Ms. Crivello, Mr. Hokama, and Mr. Guzman excused at this time.

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

**NOES:**       **None.**

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

**ABSENT:**   **None.**

**ABSTAIN:** **None.**

**MOTION CARRIED**

**ACTION:**    **Recommending ADOPTION of resolutions, and ADOPTION of revised resolutions.**

**ITEM PIA-3(2): HAWAII STATE ASSOCIATION OF COUNTIES (HSAC) (2017 HSAC LEGISLATIVE PACKAGE) (CC 15-157)**

CHAIR VICTORINO: Okay, so let’s now go back with your permission back to the HSAC package, and we would go back to the item number...okay, relating to two bills. We have relating to collective bargaining. Both will probably need to be revised depending on our strategies but we can discuss that, and we may have to call for an executive session if necessary. At this time, the Committee is in receipt of correspondence dated September 16, 2016, from Chair Mike White, transmitting a revised proposed resolution entitled Approving for Inclusion in the 2017 Hawaii State Association of Counties Legislative Package a State Bill that Allows a Representative of Each County Council to Participate as a Non-Voting Member in Relevant Bargaining Unit Negotiations and to Change the Allocation of Votes for Bargaining Units 11 and 12. The purpose of the revised proposed resolution is to improve...to be improved [sic] for inclusion in the 2017 HSAC Legislative Package a proposed State bill, attached to the revised provision...proposed resolution, excuse me, as Exhibit “A,” entitled A Bill for an Act Relating to Collective Bargaining. The purpose of the revised proposed State bill is to amend Section 89-6(2), Hawaii Revised Statutes, to provide that the counties have a greater portion, proportion of votes for Collective Bargaining Units 11 and 12 which are for firefighters and police officers, respectively. Mr. White, at this time I would let you start and discuss those revisions that you have brought forward.

COUNCILMEMBER WHITE: Thank you, Chair. The bill regarding having a Councilmember able to sit on one of the committees I believe was brought forth before. But we’ve added to that the concept that Bargaining Units 11 and 12 are primarily or the only



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

**September 22, 2016**

---

units in which only County general funds are expended because there are no SHOPO members that are under the State's responsibility. And there are...and the only firefighters under the State's responsibility are those at the airports and they're paid for by special funds. And I think part of the confusion that we have from time to time is that the State may have a significant surplus of cash because of their tax structure and it is, it's possible that that is seen as being the same way in the counties and that simply isn't the case. So I believe it's appropriate for us to have the State take a lesser role in those negotiations, because they don't have any General Fund exposure like the four counties do. So the question is should we have the State go from four votes, and as you all know the counties have four votes and the State has four votes. So in the firefighters negotiations, should the State's vote count be dropped to two votes or one vote or not having any vote since there's no General Fund expenditures. And in SHOPO should that also be dropped to two, one, or no votes? So that's the thought behind that change in the measure that's before us today. Thank you.

CHAIR VICTORINO: Thank you very much. Mr. Kushi, you heard what Mr. White has brought forward, and do you have any comments that you'd like to add at this point or we can go ahead and proceed? And if you think we're crossing an area where an executive meeting needs to be, or an executive session meeting needs to be called for, that you will advise us at that point.

VICE-CHAIR COUCH: Mr. Chair...

CHAIR VICTORINO: Well, I just want Mr. Kushi to answer that question first and then I'll recognize you. Hang on a second.

VICE-CHAIR COUCH: We just don't know which bill we're talking about right now. The two...

CHAIR VICTORINO: Oh, I'm sorry.

VICE-CHAIR COUCH: There's two almost identical bills and I'm not sure which one we're discussing.

CHAIR VICTORINO: It's the one dated...

VICE-CHAIR COUCH: They're both dated the same day.

CHAIR VICTORINO: Mike White's version. It would be... 'cause the other one is my version. I'm sorry. And, Ms. Willenbrink, will you direct the Members?

MS. WILLENBRINK: Yes, thank you, Chair. You're looking at the resolution Approving for Inclusion in the 2017 Hawaii State Association of Counties Legislative Package a State Bill to Allow a Representative of Each County Council to Participate as a Non-Voting Member in Relevant Bargaining Unit Negotiations and to Change the Allocation of Votes for Bargaining Units 11 and 12.

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

**September 22, 2016**

---

VICE-CHAIR COUCH: Got it.

COUNCILMEMBER WHITE: So it'd be number 13, right?

CHAIR VICTORINO: Yeah, number 13. Yeah, I'm sorry. I thought everybody was on the same...I apologize, my fault. Okay. So we all, now we're all together on the same, number 13. Okay, I apologize, I didn't say the number. Okay. We all good? Okay, go ahead. Can I have Mr. Kushi answer that question first and then we'll go ahead and open the floor for questions. Mr. Kushi?

MR. KUSHI: Yeah, Mr. Chair...

CHAIR VICTORINO: You have to put on your mic. Sorry.

MR. KUSHI: Yeah. Mr. Chair, as far as the allocation of votes, I guess it's just a call of the Legislature.

CHAIR VICTORINO: Right.

MR. KUSHI: I mean right now the Governor has 4 for Bargaining Units 11 and 12 and each mayor has 1, so it's just up to them to cut his power down. I'm concerned about your version, Member White, is that you have the reallocation of votes on Bargaining Units 11 and 12, but you also have the provision where a Councilmember can sit on the, as a bargaining non-voting participant during negotiations for the other units. What about units 11 and 12? In your version you don't have that language.

COUNCILMEMBER WHITE: Yeah, that was...I actually thought that the change in the vote count was going to come in a separate measure, but it's been combined with the other two or the other one as well. So I'm okay, Chair, your other one standing alone that talks about the Councilmembers being able to sit in on the bargaining and...

CHAIR VICTORINO: Have a representative sitting in on it.

COUNCILMEMBER WHITE: Maybe we do two different bills.

CHAIR VICTORINO: I think that...and that's maybe, you know, we kept it so that we could revise it to the point where we could make 11 and 12 a separate and the vote count would be in 11 and 12 because I think that's what you have brought forward. The other units, that wasn't the same concern because of the intertwining of their funding and our funding in the respect, yeah?

COUNCILMEMBER WHITE: Correct, right.

CHAIR VICTORINO: But these were the two that you in particular have brought up that no general funds, and airports is special funds.

COUNCILMEMBER WHITE: Right.

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**

**Council of the County of Maui**

**September 22, 2016**

---

CHAIR VICTORINO: And so however...okay, so, Mr. Kushi, I guess we could revise it at the point, you know.

MR. KUSHI: Yeah.

CHAIR VICTORINO: Okay. So I just wanted to know what you thought about, you know, the overall. Again like you said, legislatively that they would be up to the Legislature to like you said cut the Governor's power down if that's what you, you know, believe that to be, yeah?

MR. KUSHI: Correct. And so and that being said, Mr. Chair, and what you, your discussion is, if you just take your version --

CHAIR VICTORINO: Yes.

MR. KUSHI: --and on Page 2 regarding Bargaining Units 11 and 12, just reallocate the votes, you know, the Governor has 1, the mayors each have 1, and leave that language in about representatives from the Council being in there. That would cover all your intended changes.

CHAIR VICTORINO: I'd be open to that. I mean I have no problem --

COUNCILMEMBER WHITE: That's fine.

CHAIR VICTORINO: --because that was my intent, to bring it that way. So what you're asking for is to change it to read that the Governor would have one vote, all the mayors would have one vote for Bargaining Units 11 and 12?

MR. KUSHI: Correct.

CHAIR VICTORINO: And then the rest would be representation as far as a Councilmember. So it would be two separate bills?

MR. KUSHI: No, it would be one bill.

CHAIR VICTORINO: One bill.

MR. KUSHI: Your version as amended.

CHAIR VICTORINO: As amended. Okay. Mr. White, do you have any objections if we did that?

COUNCILMEMBER WHITE: No. No, not at all.

CHAIR VICTORINO: Do you have any objections, mister...

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

**September 22, 2016**

---

VICE-CHAIR COUCH: No, that's...oh, what I was going to suggest is --

CHAIR VICTORINO: Yeah --

VICE-CHAIR COUCH: --take...

CHAIR VICTORINO: --combine.

VICE-CHAIR COUCH: Your bill is more comprehensive to what Mr. White wants, plus adding that one line, you know, change the word from "four" to "one" --

CHAIR VICTORINO: One.

VICE-CHAIR COUCH: --and we're good.

CHAIR VICTORINO: Okay. Is everybody okay with that? So we'll go to number 12 which is my version with that language inclusive.

VICE-CHAIR COUCH: Just for the record it's actually number 7 --

CHAIR VICTORINO: Seven. Okay, I'm sorry.

VICE-CHAIR COUCH: --'cause we're talking HSAC package.

CHAIR VICTORINO: Okay. For the HSAC package, right?

VICE-CHAIR COUCH: We're back on the HSAC package.

CHAIR VICTORINO: Yeah, that's correct. Okay, I'm sorry. I got two packages in front of me and I'm getting confused. Thank you, Mr. Couch, for keeping me on track.

MS. WILLENBRINK: Mr. Chair?

CHAIR VICTORINO: Yes? Go ahead.

MS. WILLENBRINK: Did you want to defer the other bill? Mr. White's version?

CHAIR VICTORINO: Defer or just...

COUNCILMEMBER WHITE: Yeah, just defer it.

CHAIR VICTORINO: Defer it. Okay.

COUNCILMEMBER WHITE: Or file it.

CHAIR VICTORINO: Yeah. Or file it. Would maybe be better we just file it? No? Defer it?

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**

**Council of the County of Maui**

**September 22, 2016**

---

MS. WILLENBRINK: Defer is probably...

CHAIR VICTORINO: Okay. With no objections, I'll defer that.

COUNCILMEMBERS: No objections.

**COUNCILMEMBERS VOICED NO OBJECTIONS** (excused: EC, DSG, RH).

**ACTION: DEFER pending further discussion.**

CHAIR VICTORINO: Okay. Okay. So let's go to the version that, my version with the inclusion of 1 vote, the change in that one line that the Governor has 1 vote and all the mayors have 1 vote. Is that what we're looking at?

VICE-CHAIR COUCH: Yes, Mr. Chair. For Bargaining Units 11 and 12.

CHAIR VICTORINO: Eleven and 12. Yes, thank you for letting me finish the rest, 11 and 12. Any other discussion in that respect? Seeing none, then I will make my recommendation.

COUNCILMEMBERS: Recommendation?

CHAIR VICTORINO: Oh do you have any...oh hang on, hang on. Mr. White, you have anything else you'd like to add?

COUNCILMEMBER WHITE: No. No.

CHAIR VICTORINO: Yes?

MS. WILLENBRINK: Just make sure you say as amended. And I will also amend the title accordingly.

CHAIR VICTORINO: Okay. Let's take a quick break. I want to make sure I get this right, okay? ...*(gavel)*...

**RECESS: 2:21 p.m.**

**RECONVENE: 2:23 p.m.**

CHAIR VICTORINO: ...*(gavel)*... Meeting will reconvene. Okay. The Chair would like to entertain a motion to Approve for Inclusion in the 2017 Hawaii State Association of Counties Legislative Package a State Bill to Allow Representation of Each County Council to Participate as a Non-Voting Member in Relevant *[sic]* Bargaining Unit Negotiations and to Receive Updates from the Administration on Bargaining Unit Negotiations, and to Change the Allocation of Votes for Bargaining Units 11 and 12, as amended.

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

**September 22, 2016**

---

COUNCILMEMBER WHITE: So move, Chair.

VICE-CHAIR COUCH: Second.

CHAIR VICTORINO: Thank you. That was a mouthful. Any other discussion? Okay. Seeing none, I'll call for the vote. All those in favor, signify by saying "aye."

COUNCILMEMBERS: Aye.

CHAIR VICTORINO: All those opposed? Let the record show six "ayes," and three excused, Ms. Cochran, Mr. Hokama, and Mr. Guzman.

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

**NOES:       None.**

**EXC.:       Councilmembers Cochran, Guzman, and Hokama.**

**ABSENT:    None.**

**ABSTAIN:   None.**

**MOTION CARRIED**

**ACTION:     Recommending ADOPTION of revised resolution.**

CHAIR VICTORINO: Thank you very, very much. So I think that concludes our HSAC package. Am I correct, Ms. Willenbrink?

MS. WILLENBRINK: Yes, Mr. Chair. Did you want to explain the process from here forward?

CHAIR VICTORINO: Okay. Yes. You weren't here, Mr. White. What we have started to is all those that have been approved on the HSAC package earlier we approved under the Maui package. So what we're moving forward now is all those that have been approved. Like this one now has been approved, this amendment...this portion, this resolution has been approved. So what we want to try to do is approve that in the Maui package, all those, and those that are not part of HSAC we would discuss separately. I think Ms. Cochran has the \$15-an-hour resolution, and I think there might be one more. But I think we are close to...how many more we have to approve as HSAC that we'll be approving on the Maui package?

MS. WILLENBRINK: We're through with HSAC.

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

**September 22, 2016**

---

CHAIR VICTORINO: Okay. So the one...just this last one that we just approved would be the last one we'd have to approve for the Maui package?

MS. WILLENBRINK: Well...

CHAIR VICTORINO: That's identical to HSAC?

MS. WILLENBRINK: I think so, yes.

CHAIR VICTORINO: Yes. Okay.

MS. WILLENBRINK: And for clarification purposes --

CHAIR VICTORINO: Yes.

MS. WILLENBRINK: --the reason the HSAC package had a stringent deadline is because it has to now go back to HSAC and they will choose which ones to put back into their package and then it goes to all four counties and all four counties must approve.

CHAIR VICTORINO: Okay. I think that's pretty clear now.

**ITEM PIA-4(2): MAUI COUNTY LEGISLATIVE PACKAGE (2017 MAUI COUNTY LEGISLATIVE PACKAGE) (CC 15 158)**

CHAIR VICTORINO: So let's go back to the Maui package. And I will go back to item number three, if I'm correct. And number three would be a correspondence dated August 30, 2016, from County Councilmember Elle Cochran, transmitting a proposed resolution entitled Approving for Inclusion in the 2017 Maui County Legislative Package a State Bill to Increase the Minimum Wage to \$15.00 an Hour in 2019. The proposed...the purpose of the proposed resolution is to approve for inclusion in the 2017 Maui package a proposed State bill attached to the proposed resolution as Exhibit "A," entitled A Bill for an Act Relating to the Minimum Wage. The purpose of the proposed State bill is to raise the State minimum to \$15 an hour beginning January 1, 2019. Ms. Cochran?

COUNCILMEMBER COCHRAN: And thank you very much, Chair. And this one too I believe we spoke about this a while ago and just trying to bring it up and revive it from the dead basically. But I guess to expedite the...it's pretty much the benefit...of course so when low-income people start earning more money, more, they will often rise above the income threshold to qualify for government anti-poverty programs which in turn would help the State's bottom line. But I think it's just to improve the quality of life for everyone concerned in order to reach the cost of living rates that happen here in Hawaii as we know. I heard the, you know, the employers' concerns and what have you, but there's other states that have passed this and have come across with relatively low negative impacts, but some great positive ones I think outweigh that. So

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**

**Council of the County of Maui**

**September 22, 2016**

---

I'm here today trying to put this into the package so we can push this forward on the State level. Thank you, Chair.

CHAIR VICTORINO: Thank you. And I'll go to our Vice-Chair, Mr. Couch, do you have anything you'd like to add or if you have any questions?

VICE-CHAIR COUCH: Not at this time. If we did it, there's a huge jump. The State already has done, you know, they go from year to year --

CHAIR VICTORINO: Incrementally, yes.

VICE-CHAIR COUCH: --incrementally and then all of a sudden there's from \$10.10 to \$15. Would Ms. Cochran consider a little bit more gradual increase, maybe one more step?

CHAIR VICTORINO: Well, I won't go there at this point. Let's go and discuss this and maybe that we'll put that as a thought and a question that we can ask a little bit later. Ms. Crivello, do you have anything you'd like to ask or add?

COUNCILMEMBER CRIVELLO: No, I understand the efforts to increase. But, you know, on a small island like ours, sometimes it's difficult just to even keep up. So I weigh that also but I do support the increase in 2019 if we're looking at 2019. But there's still consideration on my part for the...we still have the mom-and-pop stores and that go back generations, and so trying to make ends meet on Molokai and places like that can be difficult for the wage increase.

CHAIR VICTORINO: I agree.

COUNCILMEMBER CRIVELLO: 'Cause there's medical coverage --

CHAIR VICTORINO: Yes.

COUNCILMEMBER CRIVELLO: --that's required, there's all the insurance requirements that comes with it. So it's either that or no jobs. But 2019 I think should give us some time to look into it. I'm a little hesitant because of my district at this time. Yeah. Thank you.

CHAIR VICTORINO: Thank you, Ms. Crivello. And I will also add that real quickly, you know, in the mainland and many of the big cities, the thrust was really a lot of the large corporations, fast foods and other entities like that. And, you know, some of the mom-and-pop stores was swept up or sucked up with the whole issue, and some of them if you've read, they have just decided to shut down, they no longer can operate. You know the big corporations somehow, somehow find a way, but when you're talking the little mom-and-pop stores and your district, my district, all of our districts have a number of them, it becomes a lot more difficult. And I can say also that we've received testimony from the Chamber opposing this again vehemently, especially when it comes to the mom-and-pop and small operators, so something to consider. I understand your concept and I agree with you, Ms. Cochran, that a living wage is important and



**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**

**Council of the County of Maui**

**September 22, 2016**

---

\$15 an hour is not a living wage yet, but it gets you a little bit closer and hopefully reduces government subsidies. Mr. Guzman?

COUNCILMEMBER GUZMAN: Oh, thank you, Chair. I have a question, I'm not sure whether Ms. Cochran can answer it. But what's the Federal minimum wage right now, the rate?

CHAIR VICTORINO: Good question. I think it's higher than Hawaii I think. But what is the...can you find that out, Ms. Willenbrink?

MS. WILLENBRINK: . . .*(inaudible)*. . .

CHAIR VICTORINO: Yeah, the...no, no, the Federal minimum wage, not Hawaii's minimum age, the Federal minimum wage. And I think that was, somehow that was in a discussion recently and I remember that.

COUNCILMEMBER GUZMAN: Yeah, yeah. I know the presidential candidates were kind of going back and forth with it, but I couldn't recall the --

CHAIR VICTORINO: I couldn't recall either.

COUNCILMEMBER GUZMAN: --number.

CHAIR VICTORINO: Ten...no, it was...I forget.

COUNCILMEMBER GUZMAN: Well, yeah, I actually am in support of --

COUNCILMEMBER COCHRAN: Chair?

CHAIR VICTORINO: Yes?

COUNCILMEMBER GUZMAN: --increasing the...

COUNCILMEMBER COCHRAN: It's \$7.25.

CHAIR VICTORINO: The minimum wage?

COUNCILMEMBER COCHRAN: Is that right?

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

COUNCILMEMBER CRIVELLO: Federal.

COUNCILMEMBER COCHRAN: No, State is 8.50.

CHAIR VICTORINO: And the Federal is?

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

**September 22, 2016**

---

COUNCILMEMBER COCHRAN: Hawaii's current...Hawaii is \$8.50.

CHAIR VICTORINO: No, the Federal, that's what we're asking.

COUNCILMEMBER COCHRAN: And Federal is 7.25.

COUNCILMEMBER GUZMAN: Seven twenty five.

COUNCILMEMBER CRIVELLO: No, I think went up.

CHAIR VICTORINO: If you offer health benefits. If you don't? Because it makes a difference.  
Yeah, yeah, yeah.

COUNCILMEMBER BAISA: You want me to read what it says?

CHAIR VICTORINO: Okay, go ahead. Read what...can you put your microphone on first?  
Thank you.

COUNCILMEMBER BAISA: The State minimum wage for a business with less than \$110,000 in annual sales is \$4. Minimum wage increased to \$9 January 1, 2016. The minimum wage has been 8.25, a dollar higher than the Federal minimum since July 1, 2010. Employers who offer health benefits can pay employees 7.25.

CHAIR VICTORINO: Okay. Thank you very much.

COUNCILMEMBER GUZMAN: A dollar. Thank you.

CHAIR VICTORINO: Did that answer your question, Mr. Guzman?

COUNCILMEMBER GUZMAN: Yes, yes, thank you. I think I'm more in line with increasing it but not at the levels of \$15, maybe 12 or...I take that back, I think that needs to be furthered discussed. But I...because there's the cost of living as well 'cause our cost of living is disproportionate to the mainland.

CHAIR VICTORINO: Yes. I agree. I agree.

COUNCILMEMBER GUZMAN: So we need to really take a look at a formula that will work on both sides, the business sector as well as providing our working families comparable salaries, you know, so.

CHAIR VICTORINO: Yeah, no, I agree with you. And again, I remember when this minimum wage was changed way back when and I was working for McDonalds as a manager. And, you know, again, if you're talking people who are earning a living and trying to support a family, it's one issue. You're talking high school kids and others that, you know, just doing it for extra spending money, that's another issue. But yet you can't...you really could never wrap them all up in one. And then we brought in the medical issue and that's very expensive and getting much more expensive each and

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**

**Council of the County of Maui**

**September 22, 2016**

---

every year. And not every state has that as part of their wage package, so that's another issue. So again, more discussion, but I guess let's stick with this for right now and then we can discuss it a little bit more.

COUNCILMEMBER GUZMAN: Another I guess perspective you can look at it is if we send up a high number to the State then they've got something to work with, right? If we send a lower number, they'll probably say that's the ceiling. So there's a range that they could work with. So if we pass out 15, we'll probably get, you know, 9.25. I don't know. But they'll probably use our number as a ceiling, so you could look at it that way. Like the higher number we send up to the State level gives them more --

CHAIR VICTORINO: Right now, what is...

COUNCILMEMBER GUZMAN: --leeway to...

CHAIR VICTORINO: Hang on a second. What is the...it's incrementally moving up and by 2017 or 2019, there is a level, it'll reach a level at...

VICE-CHAIR COUCH: Ten ten.

CHAIR VICTORINO: Ten ten in...

COUNCILMEMBER COCHRAN: Twenty eighteen.

VICE-CHAIR COUCH: Currently, 10.10 in 2018, that's the bill...

CHAIR VICTORINO: Twenty eighteen, that's the max it'll get to, 10.10. Oh, thank you. That's what I needed, something like this in front of me. All right. Thank you. Yeah, it says at the beginning of January 1, 2018, it would go to 10.10. And so what Ms. Cochran is saying, from 10.10 it would go up to 15 in the next year in 2019. 'Cause the State has gone up from 7.75 starting last year, this year it started 8.50. Next year on January 1<sup>st</sup>, it starts at 9.25, and then the year after in January 1, 2018, it goes to 10.10. And then Ms. Cochran is asking to go to \$15 in January 1, 2019. Okay, so there is an incremental nexus already in place in the way the law has been set up. Okay. So can I move to Mr. White?

COUNCILMEMBER GUZMAN: Yes, yes.

CHAIR VICTORINO: Okay. Mr. White?

COUNCILMEMBER WHITE: Thank you, Chair. I've got a number of concerns with this, because the...my concern is that over time we've seen summer jobs for our kids simply go away and that's even with our minimum wage at a current low level. And I think we, like the Federal government, need to have some sort of an adjustment if you're being provided healthcare, because healthcare is going to run you depending on whether you do single coverage or double coverage or family coverage, it can run you from, you know, \$3 or \$4 an hour up to \$7 or \$8 an hour. And I'm just...I haven't

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

**September 22, 2016**

---

done the calculation recently but it's a big chunk of money. And it's...I'm concerned that by passing a number that's this high, that we're really cutting out the ability for a lot of mom-and-pops to do it, but also a lot of young people get their start...when they're still living at home, they're getting their start at wages like this. Like we, when we've been able to do internships, we generally pay them between \$10 and \$12 an hour. So higher than minimum wage but lower than we would pay somebody who's, you know, who is doing a full-time job. The other issue that I have is that we have a lot...in restaurants and hotels, we've got lots of people that are, that make their living off of a basic wage from the business and then they make their, a significant amount of money on tips. And yet the tip credit is not a very big savings for the business. So the higher we go up, you know, a lot of places have a really tough time making ends meet in food and beverage, and so this just would make it that much more difficult. So I can't support it at this level, and I'm comfortable with the 10.10 in 2018, but I think to have this kind of a jump that quickly thereafter rather than a scale over a number of years I think would be too much, too soon.

CHAIR VICTORINO: Okay, thank you, Mr. White. Mr. Carroll? Nothing at this time. Ms. Cochran, back to you.

COUNCILMEMBER COCHRAN: Yeah, and thank you very much. And I heard the concerns. And there is...so California for example has implemented this and they've, the employer size, well, the business size, your mom-and-pops, there's a certain...so 26 or more employees they would increase to 15 by 2022. Employers at 25 or less would increase to \$15 by 2023. So I guess, you know, they've adjusted, they've made it to where...

CHAIR VICTORINO: The threshold is different --

COUNCILMEMBER COCHRAN: Yeah.

CHAIR VICTORINO: --based upon the size of the business.

COUNCILMEMBER COCHRAN: Right. The size of the, your employee base and what have you. And in 2013, our own Kihei Ice implemented this into their, \$15 for their employees, and today they're still thriving and very successful in their business. All the people who have gone this route have seen more productivity out of their employees, morale boosting, and on and on because of the quality of life they're now able to better afford has occurred. So things of that nature is, you know, positive, positive impacts. So and this is a nationwide...I think when I first brought this up it was a nationwide push to increase wages in this manner. So just trying to do it here too, Chair. Thank you very much.

CHAIR VICTORINO: And I think all of us agree with you as far as the idea, it's not a bad idea, but I think what we're all saying is they recognize, California recognizes the size of the business. I think what Mr. White has mentioned is they would also recognize here in Hawaii the aspect of whether it's really a "job for living purposes" or a job to earn extra money. And I guess that's...and putting it for a simple term, yeah. And I

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**

**Council of the County of Maui**

**September 22, 2016**

---

think that's maybe where the hang-up is with the \$15, because we're moving up each year at what, \$75...75 cents, yeah, 75 cents, 75 cents, and then all of a sudden it's 9.25...80...85 cents. No, yeah, 75 cents. Yeah, 75 cents. Okay. No, 85 cents. Okay. I'm doing my math, I'm trying to do my math on the fly. Anyhow, so generally it's been 75 cents a year and then the last year, it looks like it goes up 85 cents. And again, if you want to propose something a little bit less. I understand what you're saying, Mr. Guzman, if you say 15 and the State comes back with 12. Again, you know, you got more than...but there's nothing here on the page by the way, we added the fifth year, we added the extra year.

COUNCILMEMBER GUZMAN: Oh okay.

CHAIR VICTORINO: There wasn't any, it was 2018 was the last year, right? And then we added '19. So really the State hasn't even looked at this at this point in time, you see? Okay, so again, we're just, you know, maybe we've got the cart before the horse right now, so.

COUNCILMEMBER COCHRAN: And, Chair? Sorry.

CHAIR VICTORINO: Yes?

COUNCILMEMBER COCHRAN: And sorry, and referring back to Mr. Couch's opening comments, you were...

CHAIR VICTORINO: Well, maybe going to \$12.

COUNCILMEMBER COCHRAN: He had a suggestion, what was that? I forget what was your number, I forgot what you said.

VICE-CHAIR COUCH: Well, the thought was to go to let's say 12 and then 15, or 12.25 and 15.

CHAIR VICTORINO: That's still a big jump but yeah, I mean the way the State has been moving. So 12.25 in 2019 and then 2020 now?

COUNCILMEMBER COCHRAN: And then 2020.

CHAIR VICTORINO: So you're looking out to 2020. Okay. I'm open to a...what do you think, gang?

COUNCILMEMBER COCHRAN: I mean that brings it down more gradual in that sense.

CHAIR VICTORINO: And it's still moving up in the right direction and...

COUNCILMEMBER COCHRAN: Right, yes. To my end goal --

CHAIR VICTORINO: So would you like...

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**

**Council of the County of Maui**

**September 22, 2016**

---

COUNCILMEMBER COCHRAN: --of 15.

CHAIR VICTORINO: Yeah, yeah. Yeah, I know...

COUNCILMEMBER COCHRAN: Just takes another extra year.

CHAIR VICTORINO: Yeah. So, Mr. Couch, would you like to make an amendment to this and go to year 2019, January 1<sup>st</sup> to \$12? Is that what your...

VICE-CHAIR COUCH: Well, I just...

CHAIR VICTORINO: I guess I'm trying to move this if we're going to move it or are we going to leave it the same? I guess that's my question.

VICE-CHAIR COUCH: You know I...if we're going to increase it, the question would be...it should be a more gradual increase than from 10 to 15. So if we're going to increase it I would add one more jump, one more stop at 12.25 in 2019.

COUNCILMEMBER COCHRAN: And, Chair, if that seems a little more palatable to people then, you know, I'll go that route. I'm okay.

CHAIR VICTORINO: Is there any objection to changing number 8, \$15 per hour beginning January 1, 2019 and changing that to \$12.25 per hour beginning January 1, 2019? Do we have a motion to amend? I guess that's what the best way to do it. Mr. Couch, is there a motion to amend?

VICE-CHAIR COUCH: Sure.

CHAIR VICTORINO: Okay. Second?

COUNCILMEMBER COCHRAN: Second.

CHAIR VICTORINO: Okay. So it's been moved and...moved by Mr. Couch and seconded by Ms. Cochran to change number 8 on line 13 to \$12.25 per hour beginning January 1, 2019. Any...now we can open discussion on that part, so that would be the change to the original act. Any discussion? Seeing none, then I'll call for the question. All those in favor of changing number 8 to \$12.25 per hour beginning January 1, 2019, as amended, all signify by saying "aye."

COUNCILMEMBERS: Aye.

CHAIR VICTORINO: Opposed? Okay. I going try this again. I know we're late and we're tired, it's only three o'clock. All those in favor, signify by saying "aye."

COUNCILMEMBERS: Aye.

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

**September 22, 2016**

---

CHAIR VICTORINO: Opposed? Okay. Let the record show seven "ayes," and two "noes," miss...I mean two excused, no "noes," and two excused, Ms. Baisa and Mr. Hokama.

**VOTE:       AYES:       Chair Victorino, Vice-Chair Couch, and Councilmembers Carroll, Cochran, Crivello, Guzman, and White.**

**NOES:       None.**

**EXC.:       Councilmembers Baisa and Hokama.**

**ABSENT:    None.**

**ABSTAIN:   None.**

**MOTION CARRIED**

**ACTION:     APPROVE amendment.**

CHAIR VICTORINO: Okay.

COUNCILMEMBER WHITE: You were a little confused, Chair, because I don't support the motion --

CHAIR VICTORINO: Oh.

COUNCILMEMBER WHITE: --I support the amendment. I don't, you know...

CHAIR VICTORINO: Okay. I mean and no, we still gotta do the motion now. Okay. So now we will entertain a motion...we never did make a motion, right? It was just the amendment, right? All right. So if there's no further discussion, I'd like to make my recommendation.]

VICE-CHAIR COUCH: Recommendation?

COUNCILMEMBER COCHRAN: Chair? So --

CHAIR VICTORINO: Yes?

COUNCILMEMBER COCHRAN: --Chair, so can, is there a way to insert 2020 on this, the year 2020 to bump it to that \$15 rate? 'Cause I was thinking people were okay with a gradual incremental increase, so if 2019 becomes the 12.75 then the year 2020 becomes the 15?

CHAIR VICTORINO: No. I mean you want to make a motion for that?

COUNCILMEMBER COCHRAN: No, I was just...

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**

**Council of the County of Maui**

**September 22, 2016**

---

CHAIR VICTORINO: Because you have to make the motion.

COUNCILMEMBER COCHRAN: I thought that was --

VICE-CHAIR COUCH: I thought...

COUNCILMEMBER COCHRAN: --kind of what --

CHAIR VICTORINO: No.

COUNCILMEMBER COCHRAN: --Mr. Couch was...

CHAIR VICTORINO: Well, you said put that there.

VICE-CHAIR COUCH: Add one extra step.

CHAIR VICTORINO: Yeah.

COUNCILMEMBER COCHRAN: In...right. For me...

CHAIR VICTORINO: But you never said about 2020 --

COUNCILMEMBER COCHRAN: Add in an extra --

CHAIR VICTORINO: --and 15.

COUNCILMEMBER COCHRAN: --step to get to the \$15 amount which would, next would be year 2020.

CHAIR VICTORINO: Well, then you need to make a motion to do that.

VICE-CHAIR COUCH: That was the intent.

COUNCILMEMBER COCHRAN: Okay.

CHAIR VICTORINO: It was the intent but the motion was not made that way, so I need a motion to be made to amend it to now read number nine, Mr. Couch?

VICE-CHAIR COUCH: Now you have me confused.

CHAIR VICTORINO: I believe it should read...

VICE-CHAIR COUCH: To add number 9 to say --

CHAIR VICTORINO: Yes.



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

**September 22, 2016**

---

VICE-CHAIR COUCH: --15 beginning January 1, 2020.

COUNCILMEMBER COCHRAN: Yes.

CHAIR VICTORINO: At \$15.

VICE-CHAIR COUCH: That's her motion I think.

COUNCILMEMBER COCHRAN: Yes, yes.

CHAIR VICTORINO: Okay, and then do I have a second?

COUNCILMEMBER COCHRAN: Second. Or how...however.

VICE-CHAIR COUCH: You're making the motion.

COUNCILMEMBER COCHRAN: Oh. So...

CHAIR VICTORINO: It was motion was made by Ms. Cochran and seconded by Mr. Couch.

COUNCILMEMBER COCHRAN: Okay.

CHAIR VICTORINO: And the motion is now number 9 to insert \$15...okay, excuse me --

COUNCILMEMBER COCHRAN: Per...

CHAIR VICTORINO: --fifteen dollars per hour beginning January 1, 2020. Okay, so we  
now --

COUNCILMEMBER COCHRAN: Yes.

CHAIR VICTORINO: --have number 9 there. Boy, this is --

COUNCILMEMBER COCHRAN: Yes.

CHAIR VICTORINO: --taking a while but okay. All right? Any discussion in that one?  
Seeing none, all those in favor of the amendment showing \$15 per hour beginning  
January 1, 2020, signify by saying "aye."

COUNCILMEMBERS: Aye.

CHAIR VICTORINO: Opposed? What's that?

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

CHAIR VICTORINO: I heard two "ayes." But all those in favor of adding number 9, \$15 per  
hour beginning January 1, 2020, signify by saying "aye."

**September 22, 2016**

COUNCILMEMBERS: Aye.

CHAIR VICTORINO: Opposed?

**VOTE:**      **AYES:**      **Chair Victorino, Vice-Chair Couch, and Councilmembers Carroll, Cochran, Crivello, Guzman, and White.**

**NOES:** None.

**EXC.: Councilmembers Baisa and Hokama.**

**ABSENT:** None.

**ABSTAIN:** None.

**MOTION CARRIED**

**ACTION: APPROVE amendment.**

CHAIR VICTORINO: Okay. So now we have in the, add number 9, \$15 an hour beginning January 1, 2020. Okay. Any further discussion to the bill as amended? Mr. White?

COUNCILMEMBER WHITE: No, no discussion. I still feel that it's too much too quick.

CHAIR VICTORINO: Okay. All right. Any other discussion? Then the Chair would like to entertain a motion for...okay. The Chair would like to entertain a motion to adopt the proposed resolution as amended Approving to the Inclusion of the 2017 Maui County Legislative Package a Bill to Increase the Minimum Wage to \$15.00 per Hour in the Year 2020.

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

CHAIR VICTORINO: No. Two thousand and...would be \$12.25 per hour in 2019 and \$15 in 2020 which we don't really have to, we could go to the end result because the end is where we're looking for. But anyhow, that's fine. So we'd look at 12.25 in 2019 and \$15 in 2020.

COUNCILMEMBER COCHRAN: Chair, so move. Oh wait. Chair, so move.

CHAIR VICTORINO: Okay. Is there a second?

COUNCILMEMBER GUZMAN: Second.

CHAIR VICTORINO: It's been moved by Ms. Cochran, seconded by Mr. Guzman. Any further discussion? All those in favor, signify by saying "aye."

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

**September 22, 2016**

---

COUNCILMEMBERS: Aye.

CHAIR VICTORINO: Opposed?

COUNCILMEMBERS: No.

CHAIR VICTORINO: Okay. Roll call. Please. Put on your...okay. You gotta put it forward, yeah.

MS. WILLENBRINK: Councilmember Robert Carroll.

COUNCILMEMBER CARROLL: No.

MS. WILLENBRINK: Councilmember Elle Cochran.

COUNCILMEMBER COCHRAN: Aye.

MS. WILLENBRINK: Councilmember Donald Couch.

VICE-CHAIR COUCH: No.

MS. WILLENBRINK: Councilmember Stacy Crivello.

COUNCILMEMBER CRIVELLO: No.

MS. WILLENBRINK: Councilmember Donald Guzman.

COUNCILMEMBER GUZMAN: Aye.

MS. WILLENBRINK: Councilmember Mike White.

COUNCILMEMBER WHITE: No.

MS. WILLENBRINK: And Council...Committee Chair, Mike Victorino.

CHAIR VICTORINO: Aye. I think I count four "noes"...I mean three "ayes," four "noes," and two excused.

MS. WILLENBRINK: Motion fails.

CHAIR VICTORINO: Motion fails.

**VOTE:       AYES:       Chair Victorino and Councilmembers Cochran and Guzman.**

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**

**Council of the County of Maui**

**September 22, 2016**

---

**NOES:** Vice-Chair Couch and Councilmembers Carroll, Crivello, and White.

**EXC.:** Councilmembers Baisa and Hokama.

**ABSENT:** None.

**ABSTAIN:** None.

**MOTION FAILED**

CHAIR VICTORINO: Thank you. Okay, moving right along, all right. Ms. Willenbrink, what do we have next? Because I think I've switched pages so many times I'm now a little bit confused. Okay.

MS. WILLENBRINK: We are on number four, and that was the voter registration, and I believe it's...

CHAIR VICTORINO: No, Ms. Cochran pulled that.

UNIDENTIFIED SPEAKER: Withdrew it.

CHAIR VICTORINO: Oh yeah, on the Maui package...

MS. WILLENBRINK: No, defer.

CHAIR VICTORINO: With no objections, I'd like to defer it on the Maui package.

COUNCILMEMBERS: No objections.

**COUNCILMEMBERS VOICED NO OBJECTIONS** (excused: GB, RH).

**ACTION: DEFER pending further discussion.**

CHAIR VICTORINO: Okay, thank you. Okay, what else?

MS. WILLENBRINK: Moving right along to number 11.

CHAIR VICTORINO: Number 11, okay. Is everyone on number 11? Ms. Willenbrink, go ahead and bring it up.

MS. WILLENBRINK: Your Committee is in receipt of correspondence dated September 16, 2016, from Councilmember Robert Carroll, transmitting a proposed resolution entitled Approving for Inclusion in the 2017 Maui County Legislative

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**

**Council of the County of Maui**

**September 22, 2016**

---

Package a State Bill to Extend the Time for the County Councils to Decide on an Affordable Housing Project, Pursuant to Section 201H-38, Hawaii Revised Statutes.

CHAIR VICTORINO: Okay. I get 'em from here. The purpose of the proposed resolution is to approve for inclusion in the 2017 Maui County Legislative Package a proposed State bill attached to proposed resolution as Exhibit "A," entitled A Bill for an Act Relating to Affordable Housing. The purpose of the proposed bill is to increase by 15 days the time in which a county council must approve, approve with modification, or disapprove a proposed project pursuant to Section 201H-38, Hawaii Revised Statutes. And I think we all understand what this is all about, is to give us instead of 45 days, I think, Mr. Carroll, 60 days? So would you like to address that, Mr. Carroll? I'll give you opening remarks for this since this was from you.

COUNCILMEMBER CARROLL: Not right now. Give me a minute.

CHAIR VICTORINO: Give you a minute, okay. Anyone else want to...Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair. And I really appreciate Mr. Carroll for bringing this up. We've been asking this...I guess we tried it, 201H, we wanted to have a 201H, we wanted 90 days instead of 45 days and that kept dying so I believe Mr. Carroll's version --

CHAIR VICTORINO: The 60 days.

VICE-CHAIR COUCH: --is to 60 days, that might be more palatable to them. So I'm very supportive of this.

CHAIR VICTORINO: Thank you. And I, you know, 15 days more may be more acceptable to the State, I would hope so, because the 90 days hasn't gone very far with them in the past. So hopefully this will be a step in the right direction. Anyone else have any comments? Yes, Mr. White?

COUNCILMEMBER WHITE: Thank you, Chair. Yeah, I agree, I think the increase of 15 days is reasonable, and I think if Mr. Carroll can get them through in 45 with a bit of heartache, this would give him a little easier timeframe. And I think it's reasonable but that doesn't mean the State will help. Thank you, Chair.

CHAIR VICTORINO: Thank you. Mr. Carroll?

COUNCILMEMBER CARROLL: All right, Chair. What we've wanted to do all this time was to extend the time period, and we have tried many times before and we have lobbied up at the State and we have always been unsuccessful. I was hoping that just asking for what we're asking for today that we could finally get through. And it's going to have to be a real lobbying effort if we do get this to that point. And the reason that I wanted to wait a minute, I didn't have my own application right before me and I wanted to check a few things on here. It's going to be very, very difficult to all the...to finally get this through if we can get it to that point. But this would be the best thing we could do to

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

**September 22, 2016**

---

try to get more projects through, and I would hope for the Councilmembers' support. Thank you.

CHAIR VICTORINO: Thank you, Mr. Carroll. And thank you for bringing this forward. I think hopefully the State will see the rationale and be reasonable in this respect. I mean 15 days really does help us. I mean you've been able and this Council's been able to do it a number of times with the 45-day restriction. This really gives us just a little more time for some in what I call questionable areas where some and more information was needed and we just never had the time to get it, forcing us to make decisions sometimes that we weren't really totally comfortable with. Yes, Mr. Carroll?

COUNCILMEMBER CARROLL: And I really appreciate it because I don't...I think and this is what I was thinking to pass on to the Council, when I, my Committee and I receive a 201H, I have about five or six days before the first meeting to prepare this. That's the first time I get a hold of it. I have five or six days to go over there to present it to the Committee, and that's why with that extra 15 days, it gives me some more lead time to make sure that I've dotted all the Is, crossed the Ts, and done due diligence that's needed before I can bring it up before the Committee. So it's really necessary, it makes it...the way it is now it's really difficult. We've done it but it's really, really hard to do. And this will make it better, it'll be...we'll be able to turn out a better product. And when I do present it to the Committee, I can be more confident that I'm delivering something that's really been vetted properly. Thank you.

CHAIR VICTORINO: Okay, Mr. Carroll, thank you very much. And I think most of us concur with what you've just said, and that's why my comments were to say this would, you know, give you an opportunity in many cases to have more preparation so that we're not forced into decisions and sometimes uncomfortable decisions because timeframe is against us. So I hope the State sees it this way but we'll see what happens. Any other comments or questions for this item? Or if not, I'm going to make my recommendation.

COUNCILMEMBERS: Recommendation?

CHAIR VICTORINO: Okay. I'd like to entertain a motion for Inclusion in the 2017 Maui County Legislative Package a State Bill...no, no, no, no, no. You got me in the wrong place. Recess subject to the call of the Chair. ...*(gavel)*...

**RECESS: 2:58 p.m.**

**RECONVENE: 2:58 p.m.**

CHAIR VICTORINO: ...*(gavel)*... The meeting is reconvened. The Chair would like to entertain a motion to adopt proposed resolution entitled Approving for Inclusion in the 2017 Maui County Legislative Package a State Bill to Extend the Time for the County Councils to Decide on an Affordable Housing Project, Pursuant to Section 201H-38, Hawaii Revised Statutes.

## Council of the County of Maui

**September 22, 2016**

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

COUNCILMEMBER CARROLL: Second.

CHAIR VICTORINO: It's been moved by Mr. Couch, seconded by Mr. Carroll. Any further discussion? Seeing none, all those in favor, signify by saying "aye."

COUNCILMEMBERS: Aye.

CHAIR VICTORINO: Opposed? Let the record show seven "ayes," two excused, Ms. Baisa and Mr. Hokama.

**VOTE:**      **AYES:**      **Chair Victorino, Vice-Chair Couch, and Councilmembers Carroll, Cochran, Crivello, Guzman, and White.**

**NOES:**       **None.**

**EXC.: Councilmembers Baisa and Hokama.**

**ABSENT:** None.

**ABSTAIN:** None.

**MOTION CARRIED**

**ACTION:** Recommending ADOPTION of resolution.

CHAIR VICTORINO: Anything else, Ms. Willenbrink? I think that's it right? Oh, we got one more?

MS. WILLENBRINK: Two more.

CHAIR VICTORINO: Two more, okay.

MS. WILLENBRINK: Did you want to defer Council Chair's bargaining unit to another date?

CHAIR VICTORINO: Yes. Yes, that was deferred, yes.

**ACTION: DEFER pending further discussion.**

MS. WILLENBRINK: And then the, yours would be as amended.

CHAIR VICTORINO: As amended, yes. Okay. That's it right?

VICE-CHAIR COUCH: We gotta add it.

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

**September 22, 2016**

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COUNCILMEMBER COCHRAN: Chair?

VICE-CHAIR COUCH: Mr. Chair?

CHAIR VICTORINO: Yes?

VICE-CHAIR COUCH: I move to pass the revised proposed resolution entitled Approving for Inclusion in the 2017 Maui County Legislative Package a State Bill to Allow a Representative of Each County Council to Participate as a Non-Voting Member in Bargaining Unit Negotiations and Receive Updates from the Administration on Bargaining Unit Negotiations and Change the Allocation of Votes for Bargaining Units 11 and 12.

CHAIR VICTORINO: I thought we did that?

VICE-CHAIR COUCH: We did it for HSAC but not for Maui.

CHAIR VICTORINO: Oh, okay. Well, what...we're going to take a quick recess. . . .*(gavel)*. . .

**RECESS: 3:00 p.m.**

**RECONVENE: 3:01 p.m.**

CHAIR VICTORINO: . . .*(gavel)*. . . Okay. Our meeting will reconvene. I think we have straightened up all that matter, so Mr. Couch's motion is the last motion. Well, I made a mistake 'cause I thought it was already done but it was done only for HSAC and not for the Maui package. So that is to be inclusive for the Maui package, right?

VICE-CHAIR COUCH: Correct.

CHAIR VICTORINO: Okay.

MS. WILLENBRINK: Chair?

CHAIR VICTORINO: Do I have a second?

COUNCILMEMBER CARROLL: Second.

CHAIR VICTORINO: Okay. It's been moved by Mr. Couch and seconded by Mr. Carroll. Any further discussion? Seeing none, all those in favor, signify by saying "aye."

COUNCILMEMBERS: Aye.

CHAIR VICTORINO: Opposed? Let the record show six "ayes," three excused, Ms. Baisa, Ms. Crivello, and Mr. Hokama.



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

**September 22, 2016**

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**VOTE:**        **AYES:**        **Chair Victorino, Vice-Chair Couch, and Councilmembers Carroll, Cochran, Guzman, and White.**

**NOES:**        **None.**

**EXC.:**        **Councilmembers Baisa, Crivello, and Hokama.**

**ABSENT:**    **None.**

**ABSTAIN:**   **None.**

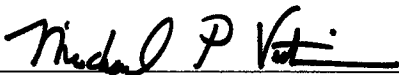
**MOTION CARRIED**

**ACTION:**      **Recommending ADOPTION of revised resolution.**

CHAIR VICTORINO: Ladies and gentlemen, thank you very, very much. You were very judicious. In three hours we were able to accomplish everything we needed to accomplish. Thank you for your patience. Thank you very much for your due diligence. And with no further business today, I will remind again a very important meeting for our area, my district down here at the Wailuku Court...Wailuku Gym at 5:30, a meeting with government officials over this disasters here in the Iao and...Wailuku River and Iao Valley, and other areas in Wailuku. So I would hope those in the public who are watching, if you have suffered any damage or you have any major concerns, that you would be there this evening at 5:30 at the Wailuku Gym which is on the corner of Wells and Market Street. So without anything else, I will call this meeting adjourned. . . .(gavel). . .

**ADJOURN:** 3:03 p.m.

APPROVED:



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MICHAEL P. VICTORINO, Chair  
Policy and Intergovernmental Affairs Committee

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Transcribed by: Daniel Schoenbeck

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

**September 22, 2016**

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CERTIFICATE

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

DATED the 5<sup>th</sup> day of October, 2016, in Kula, Hawaii

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

Daniel Schoenbeck