

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE

Council of the County of Maui

MINUTES

October 17, 2016

Council Chamber, 8th Floor

CONVENE: 1:36 p.m.

PRESENT: Councilmember Don Couch, Vice-Chair
Councilmember Gladys C. Baisa, Member
Councilmember Robert Carroll, Member
Councilmember Elle Cochran, Member
Councilmember Stacy Crivello, Member
Councilmember Don S. Guzman, Member
Councilmember Riki Hokama, Member (in 1:39 p.m.)

EXCUSED: Councilmember Michael P. Victorino, Chair
Councilmember Mike White, Member

STAFF: Kimberley Willenbrink, Legislative Analyst
Yvette Bouthillier, Substituting Committee Secretary
Ella Alcon, Council Aide, Molokai Council Office (via telephone conference bridge)
Dawn Lono, Council Aide, Hana Council Office (via telephone conference bridge)

ADMIN.: Edward S. Kushi, Jr., First Deputy Corporation Counsel, Department of the Corporation Counsel

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

VICE-CHAIR COUCH: ...*(gavel)*... Will the Policy and Intergovernmental Committee please come to order? It is Monday, October 17, 2016. It is about 1:36 p.m. My name is Don Couch; I'm the Vice-Chair of this Committee. The Chairman of the Committee, Mr. Victorino, is not here so I'll be running this meeting today. Before we start the meeting, please everybody put your cell phones on silent mode or stun. We want to make sure that the meeting is uninterrupted so everybody, including staff, silence your cell phones. Okay. Let me introduce the Committee members who are here at this time. We have Councilmember Robert Carroll.

COUNCILMEMBER CARROLL: Good afternoon, Chair.

VICE-CHAIR COUCH: Good afternoon. Councilmember Gladys Baisa.

COUNCILMEMBER BAISA: Good afternoon, Chair.

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VICE-CHAIR COUCH: Councilmember Elle Cochran.

COUNCILMEMBER COCHRAN: Aloha. Good afternoon, Chair.

VICE-CHAIR COUCH: Aloha. Good afternoon. Excused for the moment is Councilmember Stacy Crivello, Councilmember Riki Hokama. We have Council Vice-Chair Don Guzman.

COUNCILMEMBER GUZMAN: Good afternoon, Chair.

VICE-CHAIR COUCH: Good afternoon. And I want to welcome, Member Stacy Crivello.

COUNCILMEMBER CRIVELLO: Good afternoon, Chair.

VICE-CHAIR COUCH: Good afternoon. And excused . . . and will be here shortly is Council Chair White. From the Administration, we have Ed Kushi, First Deputy Corporation Counsel, good afternoon.

MR. KUSHI: Good afternoon.

VICE-CHAIR COUCH: And Committee Staff - Kimberly Willenbrink, Legislative Analyst, good afternoon.

MS. WILLENBRINK: Good afternoon, Chair.

VICE-CHAIR COUCH: And Yvette Bouthillier, Committee Secretary, good afternoon.

MS. BOUTHILLIER: Good afternoon.

VICE-CHAIR COUCH: From our District Office, we have Dawn Lono in the Hana Office. Good afternoon.

MS. LONO: Good afternoon, Chair, this is Dawn Lono at the Hana Office.

VICE-CHAIR COUCH: And we have Ella Alcon from the Molokai Office. Good afternoon.

MS. ALCON: Good afternoon, Chair, this is Ella Alcon on Molokai.

VICE-CHAIR COUCH: Okay. And the Lanai Office is closed today so that office is excused. Members, we have two items on the agenda today. One is a resolution relating to a State Bill authorizing District Boundary Amendments to be included in the 2017 Maui County Legislative Package. The other is a bill amending the Council Rule 10, relating to Roll Call Voting. And I also want to acknowledge the presence of Councilmember Riki Hokama. Good afternoon.

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At first, we're going to start public testimony. There is no one in the Chamber at this time but we'll check at the District Offices and see if anybody is there. Hana Office, do you have anybody to testify?

MS. LONO: The Hana Office has no one waiting to testify.

VICE-CHAIR COUCH: Molokai Office, do you have anyone waiting to testify?

MR. ALCON: There is no one here on Molokai waiting to testify.

VICE-CHAIR COUCH: Okay, Members, since no one is in the Chamber and no one at the District Offices, without objections we'll close public testimony.

COUNCILMEMBERS VOICED NO OBJECTIONS.

VICE-CHAIR COUCH: Okay, public testimony is closed. Ladies, thank you. Okay. Okay, Members, we have two items on the agenda today.

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

VICE-CHAIR COUCH: Item No. 1, is the Maui County Legislative Package. It's a resolution entitled "APPROVING FOR INCLUSION IN THE 2017 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL TO AUTHORIZE COUNTIES TO PROCESS DISTRICT BOUNDARY AMENDMENTS OF THIRTY ACRES OR LESS." The resolution attaches a bill authorizing Counties to process District Boundary Amendments for 30 acres or less. Mr. Carroll is the introducer of the bills so would you like to open the discussion?

COUNCILMEMBER CARROLL: Thank you, Chair. The reason for this is especially for 201H projects there's been a great reluctance of many developers to go into them because the area of land that they have is 20 acres, 18 acres, 22 acres, and it's really adversely affected our ability to supply homes on Maui County, not only affordable but also regular market-priced homes. They're not willing to do that because the State Land Use Commission drags it out so much that it becomes a problem. By having it come up to 30 acres I feel that we will be able to get more homes out there to our people that need it. Thank you, Chair.

VICE-CHAIR COUCH: Thank you, Mr. Carroll. The question I have for you, you picked 30 just because it's double or is it through your discussions with a lot of the folks that were considered?

COUNCILMEMBER CARROLL: Thirty acres because I felt there was more chance of getting approval at the State level with 30 acres. More than that, I felt that it probably would not pass when it left here. We can get it out here but it would not pass at the State level. I feel that 30 acres will be acceptable.

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VICE-CHAIR COUCH: Okay. Members, any comments or questions about this one? Seeing none. I have a comment. You know I understand your concern about the number of acres. My initial thought and maybe some of the folks who go out to and talk to the State Legislature on behalf of HSAC, etc. can fill me in on this. But my thought is to ask for more and then hope to get down to 30. That's the only . . . the only concern I would have is let's ask for the bigger number and then see what they give us. Any thoughts on that? Ms. Baisa then Mr. Carroll.

COUNCILMEMBER BAISA: Yes. I totally understand where Mr. Carroll is coming from, and we definitely want to get this changed. But from my conversation with several Legislators they were talking about a higher number. So maybe your Chinese bargaining is not a bad idea. I mean, you know, you ask for more, you get less. At least you get something.

VICE-CHAIR COUCH: Uh-huh.

COUNCILMEMBER BAISA: Thank you.

VICE-CHAIR COUCH: Mr. Carroll?

COUNCILMEMBER CARROLL: Thank you, Chair. I also worked with the Legislature several times on 201H projects, and I brought up this and other matters. Any time we brought something up, I do not know why but Honolulu showed massive resistance to it. It's always been very, very difficult. I do not know why it takes such a stand. They don't even do 201Hs. But it's just been really, really hard to get any changes through there, and I feel that this is probably the only way. If I went 50 acres, I think the resistance would be so high that I don't think even dropping it down would help. There would be just too much resistance to make any changes at all. Thank you, Chair.

VICE-CHAIR COUCH: Okay. Any comments? One of the other things I was thinking about is, one of the reasons that we do have the State Land Use Commission is to protect agricultural lands and conservation lands. And the State has given us the tool of important Ag lands, and we already have quite a bit of important Ag lands designated. My thought is, this may take more off the plate of the State Land Use Commission and they can do big tracks but not have to worry about the smaller tracks. I understand your thoughts on 50 but I guess I'll ask, you know, Ms. Baisa, you talked about having to deal with the Legislature. I would ask Mr. Hokama what his thoughts are with dealing with the State Legislature if we ask too much, are they just going to drop it or would it be better to ask for more or ask for less?

COUNCILMEMBER HOKAMA: Chairman, my sense from . . . depending on who you talk to at the Capitol, which leadership is pretty much, I would say, with the votes in either Chamber. Fifty acres has been discussed more than once in the past. Your neighbor island people tend to be more open to that figure than less. Oahu has their reasons why they choose not to be that open to 50 acres. You know, for me, Chair, reading about the Mayor's comments yesterday about planning maybe in the right committee

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we should be talking about what direction we want to go and what tools we want to use so that we can make sense of what we're going to be asking for the revised, increase or deletion from the statute or ordinances. I don't have a problem with having jurisdiction over the rural and the urban lands. There's a reason why the State kept kuleana of Ag and Conservation for the bigger, broader picture. So, if State Planning doesn't see benefit, they're going to fight it, it ain't going to move, and this Commission fights it, it ain't going to move. I have no clue what LURF is going to say as far as representation from large landowners. For the State, one of the questions is whether or not there is still a purpose of a Statewide Land Use Commission. The key was to get rid of interim by non-classified lands. This County has not done its job in getting rid of interim zoning either. So we should take our share of responsible action we need to do to correct that situation. So I would say, let's look at our house first and do what we need to do within our house before we go out and have others cast their comments about our situation.

VICE-CHAIR COUCH: Okay.

COUNCILMEMBER HOKAMA: Thank you.

VICE-CHAIR COUCH: Members, any further comment? All right. Well, you know, I've said my concerns and I'd sure like to see a number but and I probably would have introduced it if I were sitting down there but I'm up here. So, in this case, if there's no further discussion, I'll entertain a motion to adopt the proposed resolution approving for inclusion in the . . . revised proposed resolution approving for inclusion in the 2017 Maui County Legislative Package a State bill to authorize counties to process District Boundary Amendments of 30 acres or less.

COUNCILMEMBER CARROLL: So move.

COUNCILMEMBER BAISA: Second.

VICE-CHAIR COUCH: Okay. We have a motion by Member Carroll and we have a second by Member Baisa. Any further comment or amendments? Okay. Seeing none; all those in favor say "aye,"?

COUNCILMEMBERS VOICED AYE.

VICE-CHAIR COUCH: Opposed? Let the record show that we have seven ayes, and zero noes, and two excused - Mr. White and Mr. Victorino, the two Mikes.

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

NOES:None.

EXC.: **Chair Victorino, and Councilmember White.**

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ABSENT: None.

ABSTAIN: None.

MOTION CARRIED.

ACTION: ADOPTION of revised resolution by C.R.

All right. Thank you, Members.

PIA-6(2) AMENDMENTS TO THE RULES OF THE COUNCIL (ROLL CALL VOTING) (CC 15-186)

VICE-CHAIR COUCH: The next one is Item PIA-6(2), which is amendments to the Rules of the Council - Roll Call Voting. Members, in fact I authored this next item. It came out several . . . gosh, I don't know how long ago now that I put this out but it's now up here for discussion. This suggested procedure is in Robert's Rules a little bit. This is how it is practiced in several other Counties. And what I've done is ask that if there is a roll call at Council, if you look on page or Exhibit 1, it says, during roll call for Council/Committee meetings the Chair of the Committee may call for the roll of voting members. (C) for roll call vote a failure to vote in any non-abstaining, by any non-abstaining voting member who is present and whose name is called two times shall be deemed an affirmative vote in accordance with Rule 9B. And then also number (E), for Council/Committee meetings the Chair of the Committee shall announce the result of roll call votes. So, this is so that we, you know, when we do the roll call and the Clerk calls your name and if he calls your name twice and you choose not to answer, then it would be an affirmative which is in our Rules that say, you know, no answer, no vote is an affirmative vote. Now there is one island, I think it's the Big Island that allows for a third vote which is "kanalua" --

COUNCILMEMBER BAISA: Yes.

VICE-CHAIR BAISA: --I believe is what it's called.

COUNCILMEMBER BAISA: Yes.

VICE-CHAIR COUCH: And the reason I brought this up is to bring it up for discussion is if we want to allow something like that or if we want to solidify our rules, procedure. So that's why I brought it up. Any Member has any comments or questions? Please feel free. Mr. Carroll?

COUNCILMEMBER CARROLL: Thank you, Chair. Just so we're clear that person has to be present?

VICE-CHAIR COUCH: Yes.

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COUNCILMEMBER CARROLL: Yeah, if the person is not present, it's moot.

VICE-CHAIR COUCH: Correct.

COUNCILMEMBER CARROLL: Okay. I just want to be clear on that. Thank you.

VICE-CHAIR COUCH: Okay. Anybody else? Mr. Hokama?

COUNCILMEMBER HOKAMA: Chairman, I appreciate you bringing it up. I would say I would recommend you defer this. I think the new Council should decide what their rules . . . what they would like their rules to be so I don't have a problem with deferring this at this time.

VICE-CHAIR COUCH: Yeah, Members, I kind of agree with Mr. Hokama. I brought this up many months ago. It just never made it to here and we only have I think like eight, seven meetings left or something like that so . . . as far as Council meetings. I'm fine with, if we defer it, I'll ask Mr. Victorino to carry it over to the new Council and have them consider it as opposed to filing that item. Anybody have any other comments? Ms. Baisa?

COUNCILMEMBER BAISA: Yes, thank you, Chair. I can support what Member Hokama is recommending. I think that's wise. But if we were to vote at this point, I would say I like our rules the way they are, and I'm afraid of "kanalua" because that's an easy out.

VICE-CHAIR COUCH: Uh-huh.

COUNCILMEMBER BAISA: And I don't think that's what people put us here for. Thank you.

VICE-CHAIR COUCH: Right. And Members, having been to other Council meetings elsewhere besides this state, I've noticed too that lately with all the electronics and everything there are some places that have a situation where your name is up on the screen, the motion is up on the screen, and everybody has a yes/no button and then the Chair calls for the vote, everybody votes, and then when all the votes are in the staff displays what the votes are. That is a potential that maybe the next Council would want to take a look at. I don't know how much something like that would cost. But that moves us into the 21st century and also allows the folks out there to see clearly what the votes are. So that's a possibility too. There are other ways. I just brought this up because we did have a situation where this occurred and the poor Clerk didn't know what to do. So, any further discussion on something like this? Ms. Cochran?

COUNCILMEMBER COCHRAN: Chair, and I agree that, you know, to defer would be fine but isn't it taken as an affirmative currently when if you don't physically speak up on a vote that you are considered affirmative?

VICE-CHAIR COUCH: Correct.

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COUNCILMEMBER COCHRAN: So you were just trying to . . .

VICE-CHAIR COUCH: During roll call the issue is you come to Ms. Cochran and you don't say anything, what does the Clerk do? So the next thing would be, Ms. Cochran one more time . . . nothing, alright move on to the next person in line, and that becomes a "yes".

COUNCILMEMBER COCHRAN: Okay. I think . . . I don't actually seen that happened here.

VICE-CHAIR COUCH: It has happened once.

COUNCILMEMBER COCHRAN: People choose to not vote they don't show up . . . come on the floor to vote.

VICE-CHAIR COUCH: Poor Clerk was stunned. Didn't know what to do.

COUNCILMEMBER COCHRAN: Okay. And then I know . . .

COUNCILMEMBER HOKAMA: That's the job of the presiding officer.

VICE-CHAIR COUCH: That's true.

COUNCILMEMBER COCHRAN: I then I know, I mean, I can see you know I was just up at D.C., at the Capitol and on the House gallery floor --

VICE-CHAIR COUCH: Oh, yeah.

COUNCILMEMBER COCHRAN: --and I saw how . . . that's hundreds of people, right?

VICE-CHAIR COUCH: Yes.

COUNCILMEMBER COCHRAN: So I can see where they have their little card, they stick in there, and then they have the buttons - yes, no or abstain, there's the abstention buttons.

VICE-CHAIR COUCH: They're allowed to abstain, yes.

COUNCILMEMBER COCHRAN: And that's how they monitor hundreds of votes coming in so but . . .

VICE-CHAIR COUCH: And interestingly enough in that one their vote is registered as soon as they make it so people can see where they're going and I've seen it go back and forth.

COUNCILMEMBER COCHRAN: Right.

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VICE-CHAIR COUCH: You know they get like 10 minutes to vote or 15 minutes to vote and I see --

COUNCILMEMBER COCHRAN: Right.

VICE-CHAIR COUCH: --it go back and forth and then you never know until the very end.

COUNCILMEMBER COCHRAN: Well that's when . . . so I was getting a tour with Tulsi's EA and Tulsi will watch that and if she says, whoa, I better run out there and click my button, you know, to get the votes to the side that it needs to go. But anyhow, okay, well good, I'm okay if you want to push this to the next Council body to decide.

VICE-CHAIR COUCH: And the Chair's recommendation would be to ask the Chair of the Committee to not auto file this. Is that alright?

COUNCILMEMBER BAISA: No objections.

VICE-CHAIR COUCH: Okay. Alright, any further discussion? Seeing none. Without objection we'll defer this item.

COUNCILMEMBERS VOICED NO OBJECTION.

ACTION: DEFER pending further discussion.

VICE-CHAIR COUCH: Okay. Well, Members, thank you. This is probably the quickest PIA meeting that you've attended. Without any other items on the agenda, this meeting is adjourned. . . .(gavel). . .

ADJOURN: 1:55 p.m.

APPROVED:



DON COUCH, Vice-Chair
Policy and Intergovernmental Affairs Committee

pia:min:161017

Transcribed by: Jo-Ann Sato