

HUMAN CONCERNS AND PARKS COMMITTEE

Council of the County of Maui

MINUTES

Online Only via BlueJeans

January 6, 2022

CONVENE: 1:30 p.m.

PRESENT: VOTING MEMBERS:

Councilmember Tasha Kama, Chair
Councilmember Yuki Lei K. Sugimura, Vice-Chair
Councilmember Alice L. Lee, Member (in 1:37 p.m.)
Councilmember Tamara Paltin, Member
Councilmember Shane M. Sinenci, Member

STAFF: Wilton Leauanae, Legislative Analyst
Laksmi Abraham, Legislative Analyst
Paige Greco, Legislative Analyst
Richard Mitchell, Legislative Attorney
Yvette Bouthillier, Committee Secretary
Lenora Dineen, Council Services Assistant Clerk

Angela Lucero, Executive Assistant to Councilmember Paltin
Davideane Sickels, Executive Assistant to Councilmember Kama
Evan Dust, Executive Assistant to Councilmember Kama
Lois Whitney, Executive Assistant to Councilmember Kama

ADMIN.: Mimi DesJardins, Deputy Corporation Counsel, Department of the
Corporation Counsel
Karla Peters, Director, Department of Parks and Recreation
(HCP-50)
Lisa Almeida, Parks Permit Officer, Department of Parks and
Recreation (HCP-50)

OTHERS: Faith Chase (HCP-50)
Lisa Darcy (HCP-50)
Junya Nakoa (HCP-50)

Michael Rembis, Chief Executive Officer, Maui Health Systems
(HCP-1(3))
Cliff Alakai, Administrator, Maui Medical Group (HCP-1(3))
Professor Anne Scharnhorst, Allied Health Department Chair from
University of Hawaii Maui College (HCP-1(3))

PRESS: *Akakū Maui Community Television, Inc.*

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CHAIR KAMA: . . .*(inaudible)*. . . 2022 come to order. It is now 1:30 p.m. . .*(gavel)*. . . I am Tasha Kama, Chair of the HCP Committee, and I am here in my workspace in my home, and I am alone. Happy New Year to all of you out there in TV land, but especially to my colleagues on the Council and who are here today. Thank you very much for being here. This online meeting is being conducted in accordance with the Governor's most recent emergency proclamation on Sunshine Law in-person meetings, which has suspended the use of in-person testimony and viewing locations due to the recent COVID-19 surge. The Governor's most recent emergency proclamation suspended the requirement for in-person testimony through February 28th, 2022. As a reminder, in accordance with the Governor's mandate, if you are at a nonpublic workspace, when your name is called, please identify by name who is present with you in the room, vehicle, or workspace. Please see the last page of the agenda for information on meeting connectivity. Do we have any questions, Members, before I continue?

VICE-CHAIR SUGIMURA: No questions.

CHAIR KAMA: Seeing none. Thank you. I'd like to do roll call for our voting Committee Members. Aloha 'auinalā to our Committee Vice-Chair, Yuki Lei Sugimura.

VICE-CHAIR SUGIMURA: I have to do this like you. Happy New Year, everybody. I'm here in Kula. I'm...I guess my son is working in the room next door, and we are one big happy family until tomorrow. He leaves tomorrow night.

CHAIR KAMA: Oh, no.

VICE-CHAIR SUGIMURA: So Happy New Year, everybody.

CHAIR KAMA: Thank you. Also I'd like to go to introduce our Councilmember from the West Side. Aloha 'auinalā to Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: Aloha 'auinalā, Chair. And Happy New Year. And you know, since Chair Lee is not here, I will say --

CHAIR KAMA: Okay.

COUNCILMEMBER PALTIN: -- kuzu zangpo la jen pa leg sho, which means hello and welcome in Bhutan.

CHAIR KAMA: Well, hello, and welcome to you too.

COUNCILMEMBER PALTIN: Oh, I'm broadcasting live and direct from the West Maui District Office here in sunny Lāhainā, room 205, in the Old Lāhainā Center. And with me today is my EA Angela, who is more than six feet away.

CHAIR KAMA: Thank you. And I would repeat all that you said if I could remember what you said, but nonetheless, Happy New Year, Tamara. I'd like to also say aloha 'auinalā to our Councilmember from East Maui. Aloha 'auinalā, Shane Sinenci.

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COUNCILMEMBER SINENCI: Happy New Year, everybody. And kuzu kuma lo and ju pen sho [sic] mai Maui Hikina. We are home today broadcasting from the hale, and happy to be on board this afternoon. Aloha.

CHAIR KAMA: Aloha. It's always nice to see you, Shane. Thank you so much. So we have our Non-Voting Committee Members who are always welcome to join us should they decide to pop in. And you know, we've been so fortunate that a couple of times some of our Non-Voting Members have actually stopped in, and said hello, and said a few words to us. And those are Councilmember Gabe Johnson, Councilmember Kelly King, and Councilmember Mike Molina, and Councilmember Keani Rawlins-Fernandez. I don't see Chair Lee on the call, so I think I am going to excuse her, and I think she'll probably be here later. So let's continue. And so we have from the Department of the Corporate [sic] Counsel, Mimi DesJardins. Aloha, Mimi.

MS. DESJARDINS: Aloha. Good afternoon, everyone, and Happy New Year.

CHAIR KAMA: The same to you. We also have from the Department of Parks and Recreation, the Director, Karla Peters, and the Parks Permit Officer, Lisa Almeida. Aloha, you two. Happy New Year. Good to see you.

MS. ALMEIDA: Happy New Year.

MS. PETERS: Happy New Year. Aloha.

CHAIR KAMA: We also have the Committee Staff, our Legislative Analyst Wilton Leauanae. Aloha, Wilton.

MR. LEAUANAE: Aloha, Chair. Aloha, Members.

CHAIR KAMA: We also have our other Legislative Analyst Laks Abraham. Aloha, Laks. Happy New Year.

MS. ABRAHAM: Aloha, Chair. Happy New Year. Aloha, Members.

CHAIR KAMA: And we have our newest Legislative Analyst Paige Greco. Happy New Year, Paige.

MS. GRECO: Aloha, Chair. Happy New Year. Happy New Year, Councilmembers.

CHAIR KAMA: Thank you. We also have with us our Committee Secretary Yvette Bouthillier.

MS. BOUTHILLIER: Good afternoon, Committee Chair and Committee Members. Happy New Year, everybody.

CHAIR KAMA: Thank you. We have our Legislative Attorney Richard Mitchell. Happy New Year, Richard.

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MR. MITCHELL: Aloha, Chair, and Happy New Year to Chair and Members.

CHAIR KAMA: We also have our OCS Assistant Clerk Lei Dineen. Aloha and Happy New Year, Lei. So we also have other representatives who are going to be with us this afternoon. We're going to have Michael Rembis, the Chief Executive Officer for the Maui Health System; Cliff Alakai, the Administrator from the Maui Medical Group; and Professor Anne Scharnhorst for the University of Hawai'i Maui College, Allied Health Department Chair. So thank you, Members, for attending today's HCP Committee meeting. We have only two items on the agenda today. We have agenda item HCP-50, which is Alcohol Prohibition for Certain Parks and Recreational Facilities, and HCP-1(3) Challenges of Recruiting Medical Personnel. So Staff, do we have anyone signed up to testify?

MS. GRECO: Chair, we have two testifiers at this time.

CHAIR KAMA: So let me read the testifying information. So let's begin with public testimony. Oral testimony via phone or video conference will be accepted. And testifiers wanting to provide video testimony should join the online meeting via the BlueJeans meeting link, bluejeans.com/221418021, as noted on today's agenda. Testifiers wanting to provide audio testimony should dial (408) 915-6290 and enter meeting code 221-418-021, also noted on today's agenda. Written testimony is highly encouraged, and instructions on how to submit testimony can also be found at mauicounty.us/testify. Oral testimony is limited to three minutes per item. You will need...at the end of your time, you will hear the timer alarm. If you are still testifying beyond that time, I will kindly ask you to complete your testimony. And when testifying, please state your name. If you are testifying on behalf of an organization or are a paid lobbyist, please inform the Committee. Please be mindful of the use of the chat during the meeting. Chat should not be used to provide testimony or chat with other testifiers. If you are here to provide testimony, please be courteous to others by turning off your video and muting your microphone while waiting for your turn to testify. Once you are done testifying, you will be asked to disconnect from the call. However, you are welcome to continue to view the remainder of the meeting on *Akakū* Channel 53, Facebook Live, or on mauicounty.us. Participants who wish to review...to view the meeting only without providing testimony, please also disconnect at this time, and instead view the meeting on *Akakū* Channel 53, Facebook Live, or visit mauicounty.us/agendas. Only Councilmembers, Staff, and designated resource personnel will be connected to the video conference meeting once testimony concludes. I remind Committee Members, Administration, and the public to please be patient if we run into any technological issues. And so Members, I'd like to be able to proceed with oral testimony. And Staff has been monitoring people joining today's meeting by phone and by video, and we will do our best to take each person up in an orderly fashion. So can...may we have our first testifier, please?

MS. GRECO: Chair, first testifier is to be Faith Chase, to be followed by Lisa Darcy.

CHAIR KAMA: Aloha, Faith. Oh, Faith, before I acknowledge you, I'd like to say aloha 'auinalā and Happy New Year to our Council Chair, Alice Lee.

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COUNCILMEMBER LEE: Hi, Madam Chair. I'm sorry I'm late. I was stuck in another meeting, but I escaped and I am with you now. And actually, the word of the day is kuzu zangpo la. Kuzu zangpo la. But you could also say nima dele. Nima dele is good afternoon, and kuzu zangpo la is hello. This is from India.

CHAIR KAMA: Nima dele.

COUNCILMEMBER LEE: I'm here in my home office, and looking forward to your meeting. Thank you.

CHAIR KAMA: Thank you for escaping and running away just to be here. And I want you to know that your Members this...the Committee actually said good morning to me in this morning's word of the day. So thank you. So Faith, if you're out there, please share your testimony with us.

. . . BEGIN PUBLIC TESTIMONY . . .

MS. CHASE: Good afternoon, Committee Members. To preface, before I give my comments on 50, is that I was the president of SADD, Students Against Drunk Driving, when I was in high school. I worked closely with Ms. Stodd when she ran Mothers Against Drunk Driving. So this is a sensitive subject for me. But nonetheless, I don't...I'm fearful of the vague language of certain parks. I'm interested in which ones are going to be specified. During the pandemic, we've seen how many people have had to find safe sleeping spaces in public parks. I think there's many court cases that I'm...I can't describe in detail, but that have been thrown out because of the lack of us as a County providing safe sleeping spaces. So that being said, is an open container continued...considered illegal, or is possession considered illegal? You need to be very, very careful if this is just another layer to try to suppress those who are very limited in resources and vulnerable. So I am interested to find out the details, and I really hope there's no legislative action taken on this today. I think this is a little bit vague. And the Director, Karla Peters, is very well aware of the...I believe she is, having seen her on site and followed the work of the Parks and Recreation Departments, that we have work to be done there. So some people who are suffering from depression, or they can't get their meds because of transportation, you know, they turn to...they sometimes turn to the relief of maybe alcohol. And we cannot judge them on that. And so I'd be very, very careful about this creating another layer that they can't recover from or resolve from, or litter our courts with. So...but I wanted to preface that I do understand. I...you know, when they tried to change the liquor age, I was at the Liquor Commission, every single...you know, they wanted to add another Korean bar next to the school, already had ten. I was at that meeting. So this is a very sensitive place for me, but at the same time, I need to advocate for those people that are...that are suffering and vulnerable. Thank you.

CHAIR KAMA: Thank you, Faith. Members, do we have any questions for our testifier? Seeing none. Thank you so much for your testimony, Faith.

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MS. CHASE: A hui hou.

CHAIR KAMA: Staff, can you please call up the next testifier?

MS. GRECO: Our next testifier is Lisa Darcy, to be followed by Junya.

MS. DARCY: Good afternoon, Chair Kama. It's nice to see you and everyone.

CHAIR KAMA: Good afternoon.

MS. DARCY: My name is Lisa Darcy. Hi.

CHAIR KAMA: Yes. Hi.

MS. DARCY: And thank you, Alice Lee, for all of your greetings, which I might just leave to you for today. But I greet you nonetheless. Yeah, I'd also like to make some comments and testimony on HCP-50. I am the founder of Share Your Mana. I am also a Commissioner on Healing Solutions for Homelessness. And as you all have been on this journey with me of exploration into how our community operates effectively, I also express concern about this particular item, and I would urge no action as well. I would urge no action for today because it does have too many questions that need to be answered. And one of the most striking observations that Share Your Mana brings to you continuously is the different ways that people who have no place to live are treated by the law in ways that we never saw before, never understood. So if you don't have your own place to live and there isn't a place for you to go, which we know there aren't places for people to go...we don't have enough shelter beds. We don't have safe parking lots. We never opened community centers. And yet we have lots of people that are in need of safe places to sleep. They become extraordinarily vulnerable in their privacy, but also in their rights. And it...I don't think that this can be recognized or applied fairly if you don't have a place where you can go, you know, after a day's work or whatever you're doing and have a beer. And I wouldn't want to be going into people's garages or their driveways and saying, you know, we've decided that you can't drink in your garage or your driveway. And I think that this has a lot of that application possibility. I've been to court quite a bit lately, and everything's getting thrown out because we are starting to recognize that there are so many pukas, or we just haven't seen how the application of law is affecting people without housing or safe places where they can have privacy. So I have...I would also urge you to take no action on this today. I'd like to definitely understand where it's coming from. And if there are other means to, you know, get to the goal of whatever this action is, that...again, that we have the ability to have equal application under the law. So I thank you very much for this consideration and all the good work you're doing. Mahalo.

CHAIR KAMA: Thank you, Lisa. Members, any questions for our testifier? Yes, Councilmember Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. And mahalo, Lisa, for your testimony this

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afternoon. So you mentioned...it looks like on this bill it has a list of ten parks. And that I know...I heard your testimony, and I realize that there are certain areas that have maybe a concentration of unsheltered. So is this...I guess my question would be just in general for all of the County parks that you are referring to, or possibly just certain ones that are...that provide bathroom facilities or clean water accessibility to some of our homeless populations?

MS. DARCY: So my perspective from what I'm seeing, from what I'm observing, is that it needs...it's a slippery slope to say yea to some and nay to others. It needs to be equal access, equal accountability. And I'm curious as to why there are some selected, and why some are not selected. It should be one for all or all for one. And that being said, I would encourage again to re-look at this and to really understand what the goal is of this...of this...if you were to make this kind of legislation. Like I said, you wouldn't want to start going into certain neighborhoods and say, oh, you can drink in your driveway or your carport or not. You wouldn't designate certain areas. So I'm trying to...I frame this through the perspective of if you're housed or if you're not housed. And visitors...does that mean that visitors can only drink on their lanai, so you have to have a place where you're staying? You can't go and watch the sunset and have any...and like...so it's just...it's really...it's...it doesn't make sense to me that you would designate certain places and then not all.

COUNCILMEMBER SINENCI: Okay. Thank you. Thank you, Chair.

CHAIR KAMA: Thank you. Ms. Paltin, did you have a question for our testifier?

COUNCILMEMBER PALTIN: Sure thing. Thank you. So I just wanted to try and clarify. A number of these places, it's already illegal to...I mean, it's not like we're choosing today per se. One thing I think that is kind of new is the fine to it. So it's already illegal. I think part of it is the fine is new. But for me, on the basis of our Lāhainā Clean and Safe contractor, he was the one that brought to me about the Historic District, about adding those areas. And I did agree, because you know, Malu Ulu O Lele, Kamehameha Iki, those are kind of to be sacred and historic areas. But I guess my clarifying question is, we're not...we're aligning the ones that are already illegal. Is it...so that is how it is, but is it specifically the 500 fine that you do not...you're opposed to? Or...okay. That's a yes.

MS. DARCY: Yeah. So I...the way I'm learning in this entire process is that if you don't have walls or a place to go where you have privacy or where you would have rights...which if you're living unhoused, you have no rights, and you don't have a place to go to have a beer or to celebrate something or have a keiki party. If you don't have that safety, which lots of people don't, criminalizing a normal behavior, or a culturally acceptable behavior, which is to go have a drink or a beer or whatever you do, for certain people that...and definitely fining...they don't have another option, unless you know, we were to say, oh, you can go to someone's house and go, you know, have your beers or whatever. If you don't have that ability, then my experience is that those people who don't have that ability and are not safe...they don't have a law. The law's not protecting them. Where and what will they do? And the fines are insane. I spend so much time in court, and

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the stress level of people's lives seeing these checkmarks and circles and all these things on...I'm just making lots of...all these citations. I mean, it's mind-boggling. And to...I think we can do better and find different ways to meet whatever the goal is. Like I said, I'm not quite sure what the goal is. But that...the cycle of...

COUNCILMEMBER PALTIN: Okay. I think --

MS. DARCY: Yeah. Putting people in jail and...is problematic.

COUNCILMEMBER PALTIN: If I can try to repeat it back to you and you can tell me if I'm understanding your answer to my question. I think that, you know...I wasn't around when a lot of these places were added to the list to make it illegal, but my thought is, just from one or two of the places, is they were prohibiting the alcohol because of maybe some sort of continual undesirable actions, where there's fights every week or whatever the case may be. And so that's the reason why it was done. And you're saying back to us that putting a \$500 fine on top of something that's already illegal is not going to solve the problem of undesirable behavior because it's not...people that don't have \$500 aren't going to not drink because they don't have the \$500, and it would compound the problem instead of solving it. Is that kind of what you're saying?

MS. DARCY: That's definitely what I'm seeing, yeah. And you know, Share Your Mana is really more about understanding what those social dynamics are and trying to get ahead of that. And like I said, I understand...like I said...Faith, I think she understands why this...you know, nobody wants these behaviors, but we're not getting far enough in front of them. And putting fines on top of it is just going to...it clogs up the system and it doesn't really change people's behavior, unless they...you know, unless they get thrown in jail. And then it usually changes it for a while. I...you know, I do a women's group in jail and everybody is, you know, I'm clean and sober, this is great. But then they get out, and they have nowhere to go, and it's all the same thing. So until we get even further ahead of this, we're just kind of participating in the economy of the system and not really the ethics of people's lives. So that's kind of the...that's what I'm seeing a lot of, yeah.

COUNCILMEMBER PALTIN: And to clarify, you are not advocating throwing people in jail instead of a \$500 fine, right?

MS. DARCY: No, no. Thank you, thank you. Yeah, no. No, I would...I'd love to have a conversation out of this Committee, or in this Committee, that would discuss other options though. And...because I think there are other things that we as a community don't explore yet. And I'm looking forward to those conversations.

COUNCILMEMBER PALTIN: Did you have a few other options that you could tell us right now other than fines and jail?

MS. DARCY: So one of the goals of Share Your Mana is really in every moku to be creating like community, and doing that through drop-in centers. And I do believe if there were places, there was a 24-hour drop-in center in every moku where people can go, we can

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get ahead of the cycle and actually provide service and supports through peer counseling as well, which we don't take very much advantage of at all. They could kind of get ahead of all of this. And this is, you know, the work that I did in my life before Maui. And...so I helped develop those programs. And they're amazingly effective, and they're never been explored here. And so anyway, that's the kind of dialogue I'd like to have going forward.

COUNCILMEMBER PALTIN: I'm not familiar with what your definition of a drop-in center is, if you could clarify.

MS. DARCY: So a drop-in center...the vision that I would have for Maui County and Lānaʻi or Molokaʻi is...would be a facility, a space--it could look like a community center or smaller--that was open 24 hours. And it would have a place where people could use the phone; they could use copy machines; they could make phone calls; they would be able to have peer support; they would be able to have group meetings so that, you know, if they had a family member that...living unsheltered or they were living unsheltered, they could work together to try and come together and organize what's the best way to reach out to this person; there would be internet service so people could connect with each other and do research; and really, it could be...have job specific area where people could be assisted in getting employment; they could have a filing system where people could keep all their information so that they wouldn't have to drag it around wherever they're living. Once people get a footing in that capacity, their lives just take off in positive support, and Maui's never explored anything like this. And this is one of the expertises that I have, and I still...I really believe that given the opportunity to explore that, people who were drinking could come in. They would have a place to go, you know. They would have...

CHAIR KAMA: Tam. Tam, do you think that she answered your question initially?

COUNCILMEMBER PALTIN: Yes. Thank you.

CHAIR KAMA: Okay. Thank you. Thank you, Lisa.

MS. DARCY: You're welcome.

CHAIR KAMA: Staff, who is our next testifier?

MS. GRECO: Chair, our last testifier is Junya.

CHAIR KAMA: Oh, okay. Hi, Junya. Are you there? Is he...okay, I hear you.

MR. NAKOA: Hello. . . .*(inaudible)*. . . Yeah. Just trying to kind of get some small kine clarification, yeah, about this whole thing because...you know what I mean? We get one police officer saying this is this, this beach or whatever. You know, you just gotta clarify more better before we going get . . .*(inaudible)*. . .

CHAIR KAMA: Junya, you're frozen and coming in garbled. Do you want to try turning off

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your video and just trying audio?

MR. NAKOA: Can you hear me? Can you hear me? Hello?

CHAIR KAMA: Yep. Okay, you sound good.

MR. NAKOA: Okay. So you guys don't need look at me. But you know what I mean? Just to get the confusion out, and you know what, I agree about Malu Ulu O Lele. You know, that part...that park is, you know, cultural, everything and one thing over there is get plenty... yeah, get plenty...you know, all these drunks, everything li'dat. And. . .*(inaudible)*. . . them for help control 'em a little bit, but you know, this'll help for that area. But then get some areas that you can get some kūpuna. Kūpuna...*(audio interference)*...

CHAIR KAMA: Junya, I think we lost you.

MR. NAKOA: Oh, yeah, sorry. I got a phone call. Okay. So you know, maybe kūpuna that think that they get plenty people who respect that beach because of that, you know what I mean? So you just got to tread lightly on this kine stuff because some places, you know, guys that hang out at beach parks that get so much respect that people no act stupid, no act...no get...no get outta hand, you know...you know, and whatnot. So again, we just got to...we got to tread lightly on this . . .*(inaudible)*. . . because you going to end up creating more problems. You know, some guys, they say about this jail thing and the \$500, they might think of it as a challenge. Let's go. Ah, I going make trouble. I mean, but when you get one kūpuna staying over there, they get to control because like, you know, they like one beach. You get one kūpuna watching the beach to make sure people no overfish. Same thing. But Kā'anapali, brah, you know what I mean? You guys going to have to camp down Kā'anapali because the tourists drink on the beach every damn day, every damn day. So yeah...I think...I hope you guys don't take no legal actions or whatever and like clear 'em up. Classify everything. It's like only for Malu Ulu O Lele, which is like, you know, not like a beach park. It's an old softball park. I seen you guys had Keōpūolani on top of them. But eliminate the Maui Arts and Cultural Center is kind of biased, yeah, because the adult softball league over there, and got plenty adults that kick back and, you know, me small kine got to get the liquor courage, yeah, for get in front of the ball. So you know, some guys might be drinking li'dat there. But yeah...so just got to check 'em out. Make 'em...you know, go check 'em out, make sure the thing no jam us up, you know what I mean. And we end up got to go court...got to go court for no reasons because nobody clear what's legal and what's illegal, where's legal and where's not illegal, and all that stuff. That's it. Mahalo.

CHAIR KAMA: Thank you, Junya. Mr. Sinenci, questions for our testifier?

COUNCILMEMBER SINENCI: Thank you, Chair. And mahalo, Junya, for your testimony this afternoon. So it looks like the bill is saying that the consumption of intoxicating liquor is unlawful in the Historic Districts 1 and 2 in Lāhainā. And the list that has it on here is Kamehameha Iki Park, Malu Ulu O Lele, as you had mentioned, and Honokōwai Beach Park. So those three parks, looks like they fall in the Historic Districts in Lāhainā. Are

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those some of the parks that you were referring to as far as kūpunas?

MR. NAKOA: Well, the first two...the first two, I can see as dakine, eh, the Hawaiian place, the cultural li'dat, but Honokōwai, I don't know what is the cultural about that buggah, 'cause...yeah, dat...you know, dat buggah before used to be plenty jam up over dere 'cause used to have the...over there used to get ugly down there. Used to be ugly down dere. I...you know, I mean, I live here 45...46 years in Nāpili, yeah, and over dere used to be full ugly, Honokōwai Park. But I'm goin' to tell you right now, it's more family oriented, you know what I mean? You get the playground. You get the...you know, you get families walk there, you know, 'cause they live like across the street at Honokōwai East, you know, all the kind of stuff where, you know, you're living in one condo. No more place for play, eh, li'dat. So you walk across to Honokōwai Park and you go enjoy the da kine, and over there is good for go take your keiki swim 'cause get one reef, yeah, that protect, get the wave break li'dat. So it's like one, you know, good keiki pond. So you know what I mean? And then, hey, what...you know, what better thing to do than to take your kid as a...as a father, ah, or hopefully I can be a godfather pretty soon. I can take my grandkids to the park. They can...you know, I can get point for watching them, but I like drink my beer or two, you know what I mean, while watching 'em, yeah? So you know, that kine stuff. You know, just try no take away...again, especially with this COVID thing, we telling everybody for go outside, yeah? Telling everybody for go outside for be spaced out li'dat. So again, bottom line is just try...just try clarify to make 'em all clear so no more ifs, ands, or buts. And up for...you know, it's up to you what you think and what I think kine. Shoots.

COUNCILMEMBER SINENCI: Okay. Mahalo. Thank you, Chair.

CHAIR KAMA: Thank you, Mr. Sinenci. Thank you, Junya. Staff, do we have any other testifiers?

MS. GRECO: Chair, we have no more testifiers at this time.

CHAIR KAMA: Thank you. So is there anyone out there wishing to testify? Wait a few moments. Members, seeing that there are no more individuals wishing to testify, without objection, I will now close public oral testimony.

COUNCILMEMBERS VOICED NO OBJECTIONS.

. . . END OF PUBLIC TESTIMONY . . .

CHAIR KAMA: Thank you. And Members, are there any objections to receiving written testimony into the record?

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR KAMA: Thank you. At this time, Staff will ensure that only required personnel, such as Councilmembers, Staff, Administration, and nominees invited to participate will

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remain on the call. Everyone else will be disconnected at this time.

HCP-50 ALCOHOL PROHIBITION FOR CERTAIN PARKS AND RECREATIONAL FACILITIES (CC 21-549)

CHAIR KAMA: So we're going to continue on with our agenda item, HCP-50 Alcohol Prohibition for Certain Parks and Recreational Facilities. The Committee is in receipt of the County Communication 21-549 from the Director of Parks and Recreation, transmitting a proposed bill entitled, "A BILL FOR AN ORDINANCE AMENDING SECTION 13.04A.080, MAUI COUNTY CODE, RELATING TO THE ALCOHOL PROHIBITION FOR CERTAIN PARKS AND RECREATIONAL FACILITIES." The purpose of the proposed bill is to align Section 13.04A.080, Maui County Code, with the amendments adopted in Section 19.52.090 of the Maui County Code relating to regulations for Historic Districts numbers 1 and 2. Members, Director Peters from the Department of Parks and Recreation will be providing background and comments on this item, but we also have with us Lisa Almeida, the Park Permits Officer. So at this time, Director Peters, I would like for you to just give us your comments on this item.

MS. PETERS: Thank you, Chair. Thank you, Committee. Good afternoon. What we're doing here today is we are...as Chair had mentioned, is just proposing an amendment to our existing Code to align with Chapter 19. It's our understanding that the amendments to Chapter 19 are already in effect. And so we would just like to amend our Code so that they are the same. So the only revisions that we are proposing, as you see on the proposed transmittal, is that the consumption of intoxicating liquor in recreational areas under the jurisdiction of the Department of Parks and Recreation is unlawful in the Historic Districts number 1 and 2. And then this is also to align with Chapter 19.52 in Section C of our Code, where it's saying notwithstanding Section 14.080.270, anyone who violates Subsection B shall, upon conviction, be guilty of a petty misdemeanor as defined in Section 701-107, Hawai'i Revised Statutes, and is subject to a fine of no more than \$500 and imprisonment for a term not to exceed 30 days. In Chapter 19, it says the exact same language, and that is in item F, relating to drinking in public. So what we did is we took that language that was already...that's already in effect in Chapter 19 that passed out of PSLU Committee and full Council, and are aligning it in our Code. And we're here to answer any questions that you may have, Chair and Committee. And Lisa Almeida, our Parks Permit Officer, is also on the call available to answer questions.

CHAIR KAMA: Thank you, Director Peters, for being here. Members, do we have any questions for Director Peters? Councilmember Paltin, yes.

COUNCILMEMBER PALTIN: Thank you, Chair. I have so much. I don't want to monopolize. Did you want to time me or something?

CHAIR KAMA: Sure. Staff, will you please time Councilmember Paltin three minutes?

COUNCILMEMBER PALTIN: Okay. Thank you. So first I just wanted to clarify for the testifiers that we don't just randomly designate parks as no liquor. It's usually after there's been

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repeated problems at a park that it gets added to this list; is that true?

MS. PETERS: Yeah. So those that are already listed in the Section...our Section 13.04A.080 have already been transmitted and vetted through Council at the request of whether it be members of the public or other constituents who have found that these areas needed to have this prohibition in place. I just wanted to do another clarification really quick. Not to take up your time, Councilmember Paltin, but what we did is Kamehameha Iki Park and Malu Ulu O Lele Park are within the Historic Districts 1 and 2. So we're removing that from there, and we're encompassing all of the parks within the district...Historic District 1 and 2 within that. So along with Malu Ulu O Lele and Kamehameha Iki is also the Lāhainā Banyan Court, Lāhainā Courthouse Park, Kamehameha Brick Palace, Hale Aloha Church, and Hale Paahao House. So those are all within the...under the jurisdiction of the Department within the districts...Historic District 1 and 2.

COUNCILMEMBER PALTIN: Okay. And I was wondering like how you could...if you could run down how the \$500 fine process would go. Because like the testifier, Mr. Nakoa, was saying, Honokōwai came a long ways from what it was prior to the alcohol prohibition over there. On occasion, I go to Honokōwai Park and I see folks, you know, drinking alcohol, but they're not causing like the disturbance that we seen back in the days. And so how would that go? Would it be like on site if somebody has a drink not in a koozie, \$500 fine? Or would it have to be like, you know, somebody like making a complaint, hey, I see somebody drinking a koozie; it might have alcohol; \$500 fine. Like if you could just maybe run us through the process there?

MS. PETERS: Okay. I'm going to turn it over to Ms. Almeida, our Park Permits Officer, who can best describe the enforcement part.

COUNCILMEMBER PALTIN: Great, thanks.

MS. ALMEIDA: Hi. Good afternoon, Council. Good afternoon, Councilmember Paltin. So typically in the case where we're notified of drinking in a park where it's prohibited, we will arrive on site and, provided there's no disorderly situation, then we will ask them to please stop consuming alcohol in the park. We'll ask for compliance. If we don't receive compliance, then that's...we will call MPD for assistance because of the disorderly situation.

COUNCILMEMBER PALTIN: And I guess to clarify, like say somebody is not in like a container that you would readily identify as alcohol, maybe they have it in a cup or what have you, how would you . . .(timer sounds). . . know that they're drinking alcohol?

MS. ALMEIDA: Most of the times, the only time we have an issue, it's because someone has called us. So either someone has called into dispatch or they've called into the enforcement line with a complaint of a disorderly person. So that's usually what starts the question of alcohol consumption.

COUNCILMEMBER PALTIN: Okay. So not like...or sorry, my time's up. But I just was

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wondering about a breathalyzer.

CHAIR KAMA: Members...any other Members have questions? Yes, Mr. Sinenci.

COUNCILMEMBER SINENCI: Yeah, just following up on Member Paltin's line of questioning. So the fine right now is upwards of...up to 500. We're not increasing that. And that is in line with the current Code that you're using the language...copying that language from? We're not increasing that?

MS. ALMEIDA: That's correct. And there is no minimum. So that would be determined by the judge if the judge decides that a fine is appropriate.

COUNCILMEMBER SINENCI: Oh, if a fine is appropriate. Oh, okay. And then...so if there are any categories or if there are like a notice of violation first, or a warning, that will be done by the judge or the park ranger will issue that citation?

MS. ALMEIDA: So usually...Councilmember Sinenci, we usually try to do verbal warnings first. We're always looking to achieve compliance, always. Like that's the whole...the goal. Only after we're unable to achieve compliance, then we typically would have to call MPD for assistance, and then there may be a citation issued. And then once that happens, it is under the control of the court system to evaluate everything and determine whether or not...how...what the disposition of the citation will be, and whether or not there will be a judgment or a penalty.

COUNCILMEMBER SINENCI: Oh, okay. And then is this just for the...these or eight parks that are listed here, or is this for all the County parks?

MS. ALMEIDA: The current law is just the alcohol prohibition for the parks that are on that list of ten parks. And then we would just be, depending on what happens today, adjusting down to eight listed, plus Historic Districts 1 and 2 to align with 19.52.

COUNCILMEMBER SINENCI: Oh, I see. Okay. Thank you for that clarification. Thank you, Chair.

CHAIR KAMA: Do we have any other questions for our Director or her Staff? Yes, Chair Lee.

COUNCILMEMBER LEE: Thank you, Chair. Hi, Director. I was just wondering, is one of the first steps to getting to where we are the number of complaints you receive? Hello?

MS. PETERS: Thank you, Chair. So typically, what we do is we would assess each request to have the park be prohibited. And then, for sure, the complaints would drive it. I'm not quite sure as far as the ones that are already on the list. We would have to go and do some research as to when they were added and how they came about adding. What we're doing right now is just trying to align with what's already in effect in Chapter 19, which is those parks within the Lāhainā Historic Districts. So I believe Member Paltin and I was on that meeting in which Chapter 19 was being discussed, and Lawrence Kauha'aha'a had mentioned how advantageous it would be to have this legislation in

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place so that they can...they can assist in their Clean and Safe program. And you know, similar to what Ms. Almeida had mentioned is we always try and start with a warning. It's not where we're going out there and issuing citations prior to having a discussion and...with the people on site, whether it be a complaint that comes in saying there is some conduct that is not healthy to the park environment with the kids and all that in sight. And so that's pretty much what we're here to do today is to help with the Clean and Safe program in the Lāhainā Historic District.

COUNCILMEMBER LEE: Okay. So let's say a family or some people are in the park, but not drinking. Do you have a park ranger assigned to that park or, you know, a number of those parks close by?

MS. PETERS: Thank you, Chair Lee. I'll turn it over to Ms. Almeida.

COUNCILMEMBER LEE: Okay.

MS. ALMEIDA: Hi. Good afternoon, Chair Lee. . . .*(audio interference)*. . . our typical --

COUNCILMEMBER LEE: Lisa, we can barely hear you.

MS. ALMEIDA: -- day would be we assign what we call patrol assignments based --

CHAIR KAMA: Lisa, you're coming in garbled.

MS. ALMEIDA: -- on the number of staff that we have available. So...

CHAIR KAMA: We missed that whole...

MS. ALMEIDA: . . .*(audio interference)*. . . Can you hear better now?

UNIDENTIFIED SPEAKER: Try again?

COUNCILMEMBER LEE: I think we lost Lisa.

MS. PETERS: Okay, Chair. I can...I can help answer the question.

CHAIR KAMA: Thank you.

MS. PETERS: So the current staffing that we have, they're assigned different patrol areas. So we don't have just one person assigned per park. We have 159 parks within our parks inventory right now, our current inventory. And so what they do is they take...they have a...we have our enforcement line, which is good for everyone to take note of. It's 808-270-8070. And they have that on with them while they're on patrol checking various parks and districts based on the amount of park security officers we have on staff that day. So they get a request for service via the phone call, and then they'll go into the . . .*(inaudible)*. . . .*(timer sounds)*. . . we request assistance from the Maui Police Department.

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COUNCILMEMBER LEE: Okay. So I just wanted to verify that there's no particular, you know, high number of drinking abusive cases in these two parks. One of the main reasons why it's going to be added to the ordinance is because it's in the Historic District, but other than that, there aren't that many reports of obnoxious behavior and so forth, drinking and whatnot? I'm just wondering, you know...I mean, like if nobody goes to that park, why are we adding it to...you know?

MS. PETERS: Yeah. So basically we're aligning with Chapter 19 that's already in effect. So Chapter 19 already states that the parks within the Historic Districts 1 and 2, the consumption is...

COUNCILMEMBER LEE: Okay. The main thing is that --

MS. PETERS: Yeah.

COUNCILMEMBER LEE: -- people can still enjoy it, but they just need to not drink in that park...those two parks, right?

MS. PETERS: Correct. That would be per the existing Code and what we're...Chapter 19 and what we're aligning to.

COUNCILMEMBER LEE: Thank you.

MS. PETERS: It's actually more than the two parks, Chair. I just wanted to...in the Lāhainā Historic Districts, there is seven parks, seven parks within our jurisdiction.

COUNCILMEMBER LEE: Thank you. Thank you, Chair.

CHAIR KAMA: Thank you, Chair Lee. Members...any other Members have questions for our Director? Seeing none. Okay, round two. Ms. Paltin, three minutes.

COUNCILMEMBER PALTIN: Thank you, Chair. I just was wondering if you would consider amending this to name out the seven parks in the Lāhainā Historic District 1 and 2 just, you know, because otherwise people who are trying to follow the law wouldn't really know. So that would be my first request. My second is clarify...so Section C currently only applies to Lāhainā Historic District, and with this bill, you would like to have it apply to now Kalama Park, South Maui Community Park, Honokōwai Park, Charley Young, Kamaole 1 and 2, and Waiale Park; is that correct?

MS. PETERS: So I'll take your first question. Yes, we can add in all the parks. We initially had that, and then condensed it back. So we'll go back to what we had internally fleshed through initially and add in all the parks. So that's not a problem. We can do that. As far as Section C, it's anyone who violates Subsection B. So it would just be the parks within Historic Districts numbers 1 and 2 is where C would apply. And I'm going to defer to Mimi DesJardins, and then she can better explain that part.

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COUNCILMEMBER PALTIN: Okay. So it wouldn't apply to like Kamaole Beach or anything like that, I guess, Ms. DesJardins?

CHAIR KAMA: Aloha, Mimi.

MS. DESJARDINS: Chair, yes, that's right.

CHAIR KAMA: Yes.

MS. DESJARDINS: Member Paltin, Section C applies only to Subsection B, and that's because when you folks amended Chapter 19, you included that. So it's just making it parallel to that. Otherwise...the other parks that are listed would be...I think the penalties fall under 13.04A.270 because if you look at C, it says notwithstanding 13.04A.270. I could look up what those penalties are if you need me to, but no, this specifically only applies only to B.

COUNCILMEMBER PALTIN: Oh, okay. So not like Cove Park or anything. I just had one other question I guess, in that case, regarding number 1 on the bill where it says Kalama Park, Cove Park. So the County has executive order on Cove Park. Is that what this bill is saying? And do we do CORA for Cove Park for the surf schools there?

MS. PETERS: I'm going to turn that over to Lisa Almeida. I think she's back on. She can . . . *(timer sounds)* . . .

CHAIR KAMA: Lisa, are you able to answer Councilmember Paltin's question? Do you think we might've lost her?

MS. ALMEIDA: Good afternoon again, Councilmember Paltin.

CHAIR KAMA: Please.

MS. ALMEIDA: Yes. Sorry. So Cove Park is actually prohibited for CORA. Kalama Park is authorized, and Cove Park is prohibited.

COUNCILMEMBER PALTIN: Oh, okay. Thank you. Thank you for clarifying that. Thank you, Chair.

CHAIR KAMA: You're welcome, Ms. Paltin. Members, any other questions? If not, we are going to continue on. Okay. So we'll just go ahead and continue on. So thank you, Director Peters and Ms. Almeida for your opening comments and for giving us some clarification. So Members, I would like to entertain a motion to recommend passage on first reading of the proposed bill as amended, entitled, "A BILL FOR AN ORDINANCE AMENDING SECTION 13.04A.080, MAUI COUNTY CODE, RELATING TO THE ALCOHOL PROHIBITION FOR CERTAIN PARKS AND RECREATIONAL FACILITIES," and filing of Communication 21-549.

VICE-CHAIR SUGIMURA: So moved.

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CHAIR KAMA: Do we have a second to that?

COUNCILMEMBER LEE: Second for discussion.

CHAIR KAMA: Okay, for discussion. So I think Yuki Lei moved. And Chair Lee, did you second?

COUNCILMEMBER LEE: Yes.

CHAIR KAMA: Any discussion or amendments?

MS. DESJARDINS: Chair?

CHAIR KAMA: Yuki, I think you're...

VICE-CHAIR SUGIMURA: Oh, Mimi logged on in case there are conflicts.

MS. DESJARDINS: I just have one quick comment when you're ready, but go ahead, Chair Lee.

CHAIR KAMA: Yes.

COUNCILMEMBER LEE: Can I speak?

CHAIR KAMA: Yes.

COUNCILMEMBER LEE: Oh, okay. So I'm voting aye with lots of reservations, only because I understand the need to protect our Historic Districts, but I didn't get a clear answer on why these two particular parks were chosen. If there weren't necessarily a lot of abusive circumstances or cases happening at these parks, I mean, I can't...I don't drink, but still, I don't see anything wrong with having a beer in one...you know, in a park, you know? And so I kind of agree with Ms. Darcy and Ms. Chase that, you know, where else are people going, you know, if they can't have some freedom in the parks? If they're being abusive, of course they shouldn't be there --

CHAIR KAMA: Right.

COUNCILMEMBER LEE: -- but if they're just enjoying the park, I'm not sure that we should necessarily prohibit them. Thank you.

CHAIR KAMA: Thank you. Yes, Ms. Yuki Lei Sugimura.

VICE-CHAIR SUGIMURA: So before Mimi speaks, I think that when this bill was being proposed, if you look up in...and the parks that were deleted are actually the parks in the Historic District 1 and 2. If you look at number...if you look at number 4, which was deleted...5, deleted. And Kamehameha Iki Park, located Lāhainā, Maui...the land

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comprising of Kamehameha Iki Park is identified in Executive Order No. 2771. Number 5 is Malu Ulu O Lele Park, located Lāhainā, Maui, Hawai'i. The land comprising of Malu Ulu O Lele Park is identified in Executive Order 52, 3430 and 2889. These are the parks that are in Historic District 1 and 2, which was deleted because what the Parks Department did was they duplicated what...in February the Planning Department came up with a presentation, and we approved of cleaning up districts...preservations to Historic District 1 and 2 Lāhainā, Maui County Code, Chapter 19.52, which I think was taken up in Tamara's Committee. So this is exactly what the Department is saying. They're mirroring what was proposed and approved in PSLU and they cleaned up the language. So they took out the names of the parks, but I guess what we're saying now is we want it back in, the names of the parks. And I think that's what we're trying to do here. We're just trying to realign the language.

COUNCILMEMBER LEE: I thought they were just adding two more to this list. That's what I thought.

VICE-CHARI SUGIMURA: Oh, okay. Yeah, but actually, if you look at the actual map--and Tamara has her hand up--there's actually seven different parks in the Historic District, of which one, two...one, two, three...three are called Malu Ulu O Lele, and then Kamehameha Iki Park...there's Lāhainā Banyan Park, Lāhainā Courthouse Park. There's a...there's a map that was presented when Tamara had her presentation in February. So...but the Parks Department is going to list now all the parks for clarity, I think, from what you wanted. So...

CHAIR KAMA: Yes, that's what she said.

VICE-CHARI SUGIMURA: It'll get realigned clearer.

CHAIR KAMA: Okay, so I see Ms. Paltin's hand is up. So . . . *(inaudible)*. . .

COUNCILMEMBER PALTIN: Yeah. I would like to move to amend Section B --

CHAIR KAMA: Yes.

COUNCILMEMBER PALTIN: -- to say, the consumption of intoxicating liquor in recreational areas under the jurisdiction of Department of Parks and Recreation is unlawful in Historic number 1 and 2 (Lāhainā), and then list out the parks. Because I don't...I'm not familiar with all the recreational areas under the jurisdiction of Department of Parks and Rec in Historic Districts 1 and 2.

CHAIR KAMA: Okay.

COUNCILMEMBER PALTIN: So that would be my amendment if the Department can fill in those names. And I think Ms. Peters said seven areas. And if I get a second I'll explain my reason.

VICE-CHAIR SUGIMURA: There's nine.

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COUNCILMEMBER LEE: Second.

CHAIR KAMA: Can we get a second?

COUNCILMEMBER SUGIMURA: Second.

CHAIR KAMA: Thank you. Okay. So your amendment does have a second. So go ahead and proceed, Member Paltin.

COUNCILMEMBER PALTIN: So it...I think folks that are reading this Code should know specifically where they shouldn't be drinking, and not everybody is clear on the recreational areas under the jurisdiction of Department of Parks and Recreation. And so that way it's clear for everyone. And I have discussion on the main motion, but we're just on the amendment right now.

CHAIR KAMA: Yes. Any more discussion on the amendment? Okay, hearing none, we'll take a vote on the amendment. All those in favor of the amendment, please raise your hands and say "aye." Ouch.

COUNCILMEMBERS VOICED AYE.

CHAIR KAMA: Aye.

COUNCILMEMBER SINENCI: Aye.

CHAIR KAMA: One, two, three, four...I see five ayes. All those opposed? Seeing none, your amendment has carried.

**VOTE: AYES: Chair Kama, Vice-Chair Sugimura, Councilmembers
Lee, Paltin, and Sinenci.**

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: APPROVE amendment to main motion.

CHAIR KAMA: Now the main motion.

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COUNCILMEMBER SUGIMURA: Here's Mimi.

MS. DESJARDINS: Chair. Sorry, before you take the main motion --

CHAIR KAMA: Yes. Oh.

MS. DESJARDINS: -- this is a good time for me to slide in.

CHAIR KAMA: Yes.

MS. DESJARDINS: I have one suggested amendment to section B., and that is this. When you read the changes that Council made to 19.52.090.F, it does prohibit the consumption of alcohol in Historic Districts 1 and 2, except if you have the express authority of the Cultural Resource Commission, as well as the Government agency that oversees whatever the property is that the drinking is occurring on. May I suggest that you folks consider amending B. to say, except as provided under 19.52.090 comma, and then what you have there? And the reason why is because if you don't do that, then they don't really line up because this is saying you absolutely cannot consume anything in a Historic District, whereas Chapter 19 gives you the authority if you get a permit, or a license, or something. So to get them to really line up, I think that should've been put in there, and I apologize that we didn't put it in there when we brought this to your attention. But I think that's important. Thank you.

CHAIR KAMA: Okay. Okay.

VICE-CHAIR SUGIMURA: So move.

CHAIR KAMA: Yes, Ms. Sugimura. So it's been moved by Ms. Sugimura and seconded by Mr. Sinenci to accept the second amendment that was recommended by Corp. Counsel. Any discussion?

VICE-CHAIR SUGIMURA: So I can...I can speak to it --

CHAIR KAMA: Yes.

VICE-CHAIR SUGIMURA: -- and why that makes sense.

CHAIR KAMA: Yes.

VICE-CHAIR SUGIMURA: And I should actually know better from the years that I did aloha festivals. In the Historic District, when we did the Kamehameha Day parade and, you know, different activities, we would be in this Historic District...of course at that time there wasn't this rule, but we always had to get--and still do--get permission of the CRC to hold an event there. I didn't think at that time that it was tied to alcohol. I think it was just more out of respect of the culture for aloha festivals and, you know, Kamehameha Day parade. But yeah, this is...this is like standard procedure of what

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you need to do if you're going to have an event in the Historic District, or Lāhainā actually. It was not that clearly defined as a Historic District, but it makes sense. You do have to get a...so that's...I agree. Corp. Counsel Mimi DesJardins is absolutely right to align it. We need to make that amendment.

COUNCILMEMBERS VOICED AYE.

CHAIR KAMA: Thank you, and the motion passes 5-0.

EXC.: None.

ACTION: APPROVE amendment to main motion.

COUNCILMEMBER PALTIN: I just have a little bit of discussion. So thank you to the Department and Corp. Counsel for doing the follow up for the action that I took in Chapter 19 because I didn't do that part. And I just wanted to say that, you know, when it was a \$500 fine for all of the parks in my understanding, I did have concerns, but then hearing that Section C. only applies to Section B. alleviated some of my concerns. And that this Section B. legislation was recommended by Lawrence Kauha'aha'a, and you know, being that our office gets a lot of complaints about the things going on there, I wanted to support him in his efforts for doing his contract with the County. And so if this would help him make his job easier, then that's why I originally proposed that action. I checked with the West Maui Taxpayers Association, Lāhainā Town Action

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Committee, Lāhainā...all those organizations, and they were supportive. And so in my opinion, after hearing all the answers to the questions, we're not changing much more, other than aligning one section of the Code with the other section of the Code. And so I'm okay with it. Thank you.

CHAIR KAMA: Thank you, Member Paltin. If there's no further discussion, I'd like to call for a vote on the motion. All this in favor, please raise your hand and say "aye."

COUNCILMEMBERS VOICED AYE.

COUNCILMEMBER LEE: Aye.

VICE-CHAIR SUGIMURA: Aye.

CHAIR KAMA: Aye. The vote passes 5 to 0.

VOTE: **AYES:** **Chair Kama, Vice-Chair Sugimura, Councilmembers Lee, Paltin, and Sinenci.**

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: **None.**

MOTION CARRIED.

ACTION: **FIRST READING** of revised bill and **FILING** of communication by C.R.

CHAIR KAMA: Thank you, Members, for having really a great and in-depth discussion and understanding of what it is we're actually doing to the degree that it's...it makes sense, and it clarifies so much of maybe what we don't understand or what we think we do. So thank you very much for that wonderful discussion. At this time, before we have our second item, I'd like to call for a recess. It is now 2:41, and we'd like to be able to make sure that all of the people that we invited today are going to be able to join us at this time. So we're in recess. It is now 2:41, and we will reconvene at 2:50. HCP Committee is now in recess until 2:50. . . .(gavel). . .

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RECESS: 2:41 p.m.

RECONVENE: 2:50 p.m.

CHAIR KAMA: . . .*(gavel)*. . . The HCP Committee of January 6 is now reconvening at 2:50 p.m. So Members, our next item is HCP-1(3), Challenges of Recruiting Medical Personnel.

COUNCILMEMBER PALTIN: Chair?

CHAIR KAMA: Yes, Ms. Paltin.

COUNCILMEMBER PALTIN: On the television, we weren't on for the first part, but now we're on.

CHAIR KAMA: What part were we not on? Do you...do you know?

COUNCILMEMBER PALTIN: We just got on right now, on television.

COUNCILMEMBER PALTIN: Okay. Sorry guys. I'm going to have to repeat all that wonderful speech I just made.

UNIDENTIFIED SPEAKER: You did it such a...you did it so well, Chair.

HCP-1(3) CHALLENGES OF RECRUITING MEDICAL PERSONNEL (Rule 7(B))

CHAIR KAMA: Thank you. Beginning at the beginning. HCP-1(3) Challenges of Recruiting Medical Personnel. Members, in accordance with Rule 7(B) of the Rules of the Council, the Committee may receive a presentation and discuss matters relating to the challenges of recruiting medical personnel. As the Chair of HCP, I scheduled this item to discuss the challenges medical service providers are facing with the recruitment of skilled medical professionals. Today we welcome several medical resource professionals from Maui Health Systems, Maui Medical Group, and University of Hawai'i Maui College. We also reached out to President of the Moloka'i General Hospital, Janice Kalanihuia, who is not able to join us. But however, she provided a letter on today's topic in lieu of her absence, and we thank her for that. Joining us today is Mr. Michael Rembis, CEO and Hospital Administrator of Maui Health Systems. We also have Mr. Cliff Alakai, Administrator for Maui Medical Group, and Professor Anne Scharnhorst, Allied Health Department Chair for UH Maui College. Welcome and thank you all for joining us today. We appreciate you taking time out of your busy schedules to provide important information to the Committee. Without objections, I would like to designate Mr. Rembis, Mr. Alakai, and Professor Scharnhorst as resource personnel in accordance with rule 18(A) of the Rules of the Council.

COUNCILMEMBERS VOICED NO OBJECTIONS.

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CHAIR KAMA: Thank you very much, Members. I would like to start by inviting each of our panelists to provide a presentation, if they have one, or comments on today's topics. Once they have completed their presentations, their introductions, I will entertain questions from the Members. We're going to begin with Mr. Rembis and Maui Health Systems, followed by Mr. Clifford Alakai, and then followed by Professor Anne Scharnhorst from Allied Health...Department Chair from UHMC. So Mr. Rembis, thank you for joining us today, and please say a little...tell us a little bit about yourself in the event that maybe people don't know you. But we all know you. You've been here with us throughout this whole process, but nonetheless, please proceed. And then if you'd like to, go ahead and see if you'd like to start and comment on what some of the barriers might be, or challenges, to having some really good medical personnel out here on Maui. So go ahead, Mr. Rembis. And then Cliff, you're following.

MR. REMBIS: Thank you very much. I am Mike Rembis, and I'm the CEO of the Maui Health System. I joined the office about five years ago when it was transformed from a State hospital to a community hospital, and . . . *(audio interference)*. . . the hospital. And as a result, adding new programs and services, we have a huge need for more medical professionals to help us. Finding medical professionals, finding young people to enter the medical field, is challenging. This is probably the most challenging period I've ever seen in my 40 years in healthcare. The pandemic has not helped us; it's made it worse. A lot of people are leaving the health industry. They're tired; they're burnt out at a time where we need more people. My greatest focus right now is finding people on Maui to take care of people on Maui. We've done everything we can to try to encourage young people to enter the medical profession. It's a great opportunity to make a difference in people's lives, the salary is good, it's extremely rewarding, and we just need more people in the medical profession. There's not enough in Maui. So we've been recruiting from the other Islands, we've been recruiting from the mainland, and we still have a deficit in medical personnel. I would say a lot of it is just because of the pandemic today, but even before the pandemic, it's hard to get people to come to Hawai'i and work here. The cost of living is high, as we all know, it's leaving family and friends from the mainland, and we have a desperate need for nurses, for radiology techs, for laboratory technicians. Across the board, there's just huge needs. Fortunately, we have decided...something that they never did before as a State hospital, but five years ago we decided to hire every nurse that graduated through UH's program here on Maui. And we've offered every nurse that's graduated, the last three classes, jobs. That's made a huge difference, and we still don't have enough nurses. But we are...we also have undertaken our own training programs. We're now training and certifying our own certified nurse assistants. We've created programs to teach nurses how to be scrub techs and circulating nurses, and work in the operating room. When we can't find the skills that we need, we're trying to develop our own skill labs, and teach and train our own staff, and we still don't have enough. We think we can get there if we continue to focus on training staff, encouraging young people to come into the profession, but you won't believe what I now believe is the biggest challenge I'm having to get healthcare professionals to come to Maui and work, and that's housing. For the first time, housing is the number one impediment for getting people to come to Maui. We have had a number of nurses that we've tried recruiting from the mainland. They accepted the job, only to call us and say, I can't find a place to live. I need to rent something for six months or a year, and I can't find

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anything. And those things they find are way beyond what they can afford, even with the salaries and assistance we give them. I have surgeons that I'm trying to recruit to this island to provide care for us, and I had two of them say they can't come because they can't find a three or four-bedroom house for their families that's under a million and a half, \$2 million. This, for the first time, is...my number one concern is housing is going to impact our ability to recruit medical professionals to take care of us on Maui. So I am working with the Mayor and others to see if there's ways we can find to provide housing for medical professionals. I'm...if any of you have thoughts later on, I'd love to pursue it, but if we can't find affordable housing for medical professionals--and it's really sad when a surgeon who has a good income can't even find a house--we're going to have real problems. We are...we are stable now with our staffing. The pandemic is stretching us a bit, but I am concerned, pandemic aside, if we don't find a way to resolve the housing issue on this island, it's going to contribute to a greater stress on our ability to bring people to care for us on Maui. Right now, all the initiatives we have in place are working. We're replacing staff slowly when they leave. And we are continuing to focus on just on one thing: make sure we have the people we need to provide the care for us on Maui. I'm happy to answer any questions.

CHAIR KAMA: Thank you, Mr. Rembis. Cliff, would you like to add to the conversation?

MR. ALAKAI: Yeah. Yeah, thank you. I would say with...you actually assembled three different points of view, which is really good because Mike has, like he talked about, the RNs, and for us, it's medical assistants is important to us. So we don't compete at that level with the hospital, but I would...I would say that you have a good cross-section of different types of perspectives and points of view. We do have similar concerns. Oh, anyway, I'm the...I'm the Administrator from Maui Medical Group. I didn't formally introduce myself. I've been here for a long time, I think since '97. So I've been doing this for quite a while. But what...I'm really impressed because we're all different. You know, Mike's...has a little bit...it's all the same spheres of concerns, but...and we all overlap, but it's a little bit different. Right now, from our perspective, supply of doctors, which is what Mike said, is really critical. We are concerned because we have a lot of senior physicians that will be leaving the workforce. And you know, even though some of them are older physicians, they do see a lot of patients and provide a lot of healthcare. And it is challenging. It's hard to find doctors nationwide. When we send out a request for...or even with using headhunters or recruiting services, we just...we don't get a lot of resumes, or CVs as you call it in the medical field. We just don't get a lot of that type of applicants. And there is...from my perspective, it looks like there's just not a lot of people graduating from medical school. That's what I'm thinking. That's what I'm seeing. And some of the schools, like endoscopy, as Mike would say and would know, and urology, they've actually limited the number of graduates to purposely bring up the compensation for those that go through the program. So supply is definitely down. The other thing that comes out, and we see this a lot, is the debt. The loans to go to medical school is outrageous. To graduate could easily be in excess of \$500,000 a year of student debt just to go through the process. I have an idea on that. I'll circle back on that. The other thing that's affecting us on Maui is, you know, cost to do business in Hawai'i is much higher than elsewhere in the world. Housing, land cost, supplies, it's all higher. So our compensation generally is lower than what you would find nationwide.

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And there's two components to that. One is, like I said, low cost of housing...high cost in Hawai'i. And I'll just say, for a primary care physician, from a Maui perspective, they're paid very well. Their starting salary could be 225,000 to \$250,000, which is good, but you throw on top of that the student debt, and then you compare that to what they're getting outside of Hawai'i, which could be for the same student or same new graduate, 250 to \$300,000 a year, that's a huge difference. And Mike and...probably knows a little bit about this too. A lot of the large health systems outside of Hawai'i are taking their profits and not...and moving it towards the recruiting and hiring of new physicians, and a physician is a lost leader is what I'm trying to say. It doesn't necessarily fund itself through its own revenue, you know. It doesn't add up. I mean, if a physician were to put--I'm going to get technical--say 500,000 of revenue a year on the books, and you pay them 250,000 a year, that's half of it gone. Then you pay for rent, supplies, staff costs. You don't make...it's hard to make money in Hawai'i in that...in that scenario. So unless you have a nice bucket of money from some other operation that can come and fund it, it makes it challenging. Also, the payments for services, what you're paid for doing the same service in Hawai'i versus elsewhere is much lower. Medicare in Hawai'i--and Mike, you'd know about this--Medicare is a lower schedule than it is in other parts. California has a higher Medicare payment schedule. That's another part. So that all adds up into it. It's challenging to recruit new physicians. We need more physicians on Maui. We are fortunate that we have good physicians on Maui, but we need more. If we lose one or two in a certain specialty, we're really in a bad way. And the best healthcare, as Mike would attest to, is to be treated in your home community and not have to leave the island. For instance, if you need cancer treatment and you got to fly to O'ahu for eight weeks of cancer treatment because we don't have it here or we don't have that specialty, it really puts a strain on the family because the family has to stop their work and come along to help you. And for six to eight weeks, who takes care of everything that you have at home? So that's why coming back to this is important. You know, if there was something you could do...I don't know if it can be done...is you know, I think school debt...if somehow the Council could come out with a program for people that qualify, and whatever it would be, that they would get a subsidy to help them with their debt that would go directly to the...to pay off the obligation. Some of the Indian health centers and Federally qualified centers have programs like that where they help pay off some of the school debt if...you know, years of service equals debt, that would really help us out a lot. I think it would help us make it much more profitable, and you'd probably put some kind of caveat in there that they have to stay for a period of time, and you fund the debt over a period of time. It also would be nice to get the people of Maui to come back to Maui and practice medicine because they're...you know, I think people are different, as all of us know, than people from California or elsewhere. We're different people, and it's not easy to attract the people who grew up to Maui back to Maui when there's a high life elsewhere, and there's a fancy living of Honolulu, and all those type of things. So that could be something. So anyway, thank you very much for letting me share my comments. And like Mike said, I'll be willing to answer any questions later. Thank you.

CHAIR KAMA: Thank you, Cliff. And so I think I saw Professor Scharnhorst. I saw her on the call earlier. Professor, are you...are you here?

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MS. SCHARNHORST: I was muted as if I've never been on a virtual meeting.

CHAIR KAMA: . . .*(laughing)*. . . Welcome.

MS. SCHARNHORST: Aloha. Thank you. Well, my name's Anne Scharnhorst. I've been on Maui and at UH for 15 years. I've been the Department Chair for ten. I thank Mike a bazillion times for hiring all our grads because in the years previous to that, we had nobody getting jobs. So I mean, the way things shift is on a dime, and pretty dramatically. So I think it speaks to the needs for education to be nimble. You have to...you know, you don't want to produce people who aren't going to get jobs, but when jobs are needed, you need to be able to ramp up. And that's a tricky thing for a big system to do, but we...for nursing, I think we're making less nurses this year and the next year because we don't have enough faculty. So you cannot teach people without teachers. So...but I...but I've been working with Marian *(phonetic)* about...you know, there's probably some ways that we can...we can share help with one another between the hospital and the college, which we have done in some novel ways. But as far as nursing goes, we can provide the community 40 RNs every single year. I don't know if you can orient quite more than 40. You have to get them in the hospital and teach them. A graduate nurse is an advanced beginner. So the issue I'm having about the nurse graduates is getting them through the BSN. Because the bachelor's by itself...if you control for all other factors, the sickness of the patients, the busyness of the units, the bachelor's by itself provides better outcomes when you measure morbidity and mortality, which are kind of direct outcomes. And those, in turn, have some fiscal ramifications. So I feel like that it would do Maui County healthcare very good service to have all those 40 grads from now going forward to all be BSNs. Now, the students that we have know they need a BSN, but it's just impossible not to take a job in these times. So they graduate, they've been getting hired, and then they go back, you know. And I just read the Hawai'i Center for Nurses Workforce Report, and 80 percent of them get their BSN out of State. So they send that money away. And they try to do it while they're working. So I...my big proposal, and how I see the...one way, the nursing way, for Maui College to help Maui County going forward is to give you all bachelor's degree prepared nurses on their first day. Then the other things that the College is doing broader than just nursing is we...Kaua'i Community College has a certified medical assistant program, and they're delivering it here. We've already done one class; we're getting together for a second. Kapi'olani sends us EMTs, and they have sent us RAD techs before. So we can get another RAD tech group going too. Then we're also talking about PTAs and OTAs. So there are programs on the books in UH that we can bring in kind of quick...you know, PT and OT just take some steps and some balls, and it's not that big of a thing. So working with...like I said, we need that nimble thing about what is really needed and focus on those, and get that crew through, and then bring the next. Because if I give you 20 med techs, the next year you might need 5 or 10 RAD techs. So there is a realistic ability to respond to specific roles in the healthcare industry. And we've been working quite a lot with DOE in their healthcare pathways to try to expose the students to the healthcare environment themselves. Lahainaluna is...we're going to do a nurse aide class for them starting on Monday. So that...that's...we've been working on that for three years, and we're actually doing it. And then one other...one other point that was all set to go in fall of '20...we had space and we had plans to have a crew of

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primary care doctors, residents, come to Maui College and do their residency here. And then lo and behold, COVID blew that away. So we need to...we need to bring that back. You know, the community needs to make sure they speak to that, that that's still a need. Because people...once people come to Maui and they start to make connections, it's like getting people who are from here. They're going to stay here, more likely. So I think that's our biggest goal is to take Maui County citizens and put them into jobs that they can have a sustainable wage in, and healthcare is one of the leading industries to do that. And we...I think we have an upside.

CHAIR KAMA: Thank you, Professor. That was very enlightening...at least to me, it was. And getting the three different perspectives from the hospital and then from the medical group...very interesting. So Members, questions for any one of our panelists? Yes, Chair Lee, and then Member Paltin.

COUNCILMEMBER LEE: Thank you, Chair. Mike...hi, Mike. Happy New Year.

MR. REMBIS: Happy New Year.

COUNCILMEMBER LEE: Now, when you talked, you mentioned that the doctors are paid well, nurses are paid well. Can you give average incomes like for the doctors and for the nurses? I know they're different types, but just on the average.

MR. REMBIS: I think a nurse who works full time can make close to \$100,000 a year. Physicians make, as Cliff said, anywhere from 250,000 up. If they're specialists, they can make as much as a half a million. But when you look at what the cost is of leasing space and hiring employees, it is very daunting to actually do well as a physician on the island. The cost of a medical practice is very high right now. And it's the...

COUNCILMEMBER LEE: Okay. Thanks, Mike. I...the reason why...I'm on a...on the clock. So I...the reason why I asked you for that...because when we are trying to set incomes and income levels for housing --

MR. REMBIS: Right.

COUNCILMEMBER LEE: -- they're well below that. So apparently our professionals would be highly overqualified for housing. And then the other person, Ms. Scharnhorst, you talked about your nursing program and so forth. Are student loans an obstacle for your graduating students?

MS. SCHARNHORST: Not usually. We have one of the best values in the country right here for nursing education, and we...you know, we find all different ways to help people get through. So most...it's...it doesn't cost...the whole program is 15 grand, not a lot. And people who need get financial aid.

COUNCILMEMBER LEE: 15,000 over how long, three years?

MS. SCHARNHORST: That's just for the ABN program. So --

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COUNCILMEMBER LEE: ABN.

MS. SCHARNHORST: -- that's, you know, two years.

COUNCILMEMBER LEE: Two years.

MS. SCHARNHORST: If we added the BSN year, it would be another 9,000 bucks. But that's cheaper than their...can get it at anywhere else you go. And they would get it done and over with.

COUNCILMEMBER LEE: Okay.

MS. SCHARNHORST: And there are people in the community, such as Wailea Community Association, who are set to support that. So I think that they shouldn't be the only ones to have to fund the pain fiscally as well as studying for something that's going to underpin the health of the whole community.

COUNCILMEMBER LEE: I think...I think if more people knew in the community, they'd be happy to give. And I'm sure that the Council will think about, you know, if we have the funding to assist as well. So I think I've used up my time. Thank you, everybody.

MS. SCHARNHORST: Aloha.

CHAIR KAMA: Thank you, Chair. Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I had this idea for teachers because, you know, I think 800 teachers called in sick today or Monday. But I was wondering if you could...it could also work for the shortage in the healthcare industry, and if you let me know what you think about it. It would be to give full ride scholarships to folks in the professions that we're in a critical need for, whether it's teachers, surgeons, BSN, whatever, full ride scholarship with a commitment to work 10 to 15 years in our communities, and then provide housing for those 10 to 15 years so they can bank their income and then try to buy a house on their own. And the idea was based on the senior housing idea, like you know, you cannot discriminate on housing per se, but like because there's a critical need for senior housing, we can do senior housing. Could we do it also for teachers, doctors, nurses specifically? And I guess that part of the question would be to Corporation Counsel, but it...I mean, it could change every year. Like a full ride scholarship, this year we need colonoscopy folks; this year we need oncologists or whatever, and then set up housing specifically for those critical needs. And of course they would have to get into the program and show good grades, and it's not just anybody off the street that doesn't like the sight of blood or can't stand kids, you know. But that was my idea. Just wondering...any feedback and the legalities from Corp. Counsel on housing specific to those in critical need positions?

CHAIR KAMA: Mimi, I think that's yours.

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COUNCILMEMBER LEE: Maybe somebody else can answer that question.

COUNCILMEMBER PALTIN: And then the idea also wasn't for the County to provide all the full ride scholarships. I mean, we could probably do some, but maybe set up a...like some sort of a fund where all the philanthropists can contribute as well.

CHAIR KAMA: Absolutely. Oh, sorry. Would any one of our panelists like to take that question from Member Paltin?

MR. ALAKAI: I have comments, Chair, if you don't mind.

CHAIR KAMA: Absolutely, please.

MR. ALAKAI: I wanted to go on back...just back up quickly, and then I'll go forward, yeah. I want to recognize the Maui College. The quality of the education that's coming out of there is pretty awesome, and considering what...how much it costs and what comes out, we always find that the staff, the nurses, that come out of the program are very good. So recognition to the Maui College. I think it's one of the top programs in Hawai'i and the State, and the world...I mean, the United States. Always good nurses, and very competitive program. It's not easy to get in, and they really screen you well, and you got to work hard. So yeah, thank you for that. You raised...Councilmember Paltin, you made...raised some pretty interesting questions. From my perspective, or what I see is when you're dealing with a physicians, it's generally high net worth individuals. They may have a lot of loan obligations. So usually they find housing within a short period of time because their paychecks are much larger than the average median...you know they're high net worth individuals. So the housing part is not as bad, especially in Hawai'i, where housing keeps going up. If they can jump in, get something, and then they can start moving up, that's what a lot of our physicians have done. I think you...I think the school debt help would be something. And the other thing is you...it...medical takes time. It's even more time than nursing to produce. So if somebody goes through the program and we're looking for an endocrinol...I mean...not colonoscopist--my mind just went blank--but oncologist, for instance, it doesn't happen today. It takes several years to go through the process. So you got to kind of...you can do it two ways. You can help subsidize, but then physicians don't always continue on the same path. They may deviate to another specialty as they go through the process. So it might be a little sticky if you did something on the back end when they came out and came to Hawai'i, and offered some kind of scholarship subsidy based on every year you got so much allocated for your scholarship. That might be...I mentioned that earlier. So I'm repeating myself. So anyway, thank you. . . .(timer sounds). . .

CHAIR KAMA: Wow, perfect timing.

MR. REMBIS: The suggestion that there be medical housing, especially for the nurses and some of the staff that's not making as much as the physicians would be very, very helpful. But the university has done a...just an amazing job. If they weren't so great at what they're doing, we would be in dire circumstances. They've done a great job...they have great programs. High quality nurses are coming out. The more we can support

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them and expand some of their programs, I think the better off we will be.

CHAIR KAMA: Yes. Ms. Yuki Lei Sugimura, go ahead.

VICE-CHAIR SUGIMURA: Thank you. So I'm guessing that you have all spoken to the State legislature about these ideas? I'm just wondering. . . .*(inaudible)*. . .

MR. REMBIS: I think they're all...I think Cliff and I have probably talked to the legislators about the problem with physicians' income where they are being paid less here by the Federal Government for Medicare than any other state in the country. And the GET tax is imposed upon them, which also reduces their income even further, but there has been...we've been trying to convince them to eliminate the GET tax from the physicians, which further reduces their income right now.

VICE-CHAIR SUGIMURA: So that's a...that's a revenue source for them. So I can imagine that probably...that discussion is like you asking us to get rid of our Real Property Tax. I mean, it's kind of similar. It's a revenue source. But I mean, I like the...you know, Obama *[sic]* has, what, delayed paying a portion of your education loan I think, from what I've been hearing, on the...as the Build Back Better bill is going through Congress. But I mean, there's moves like that on a national level, but I hope that there's something that the State Legislature can do to support you. I'm just wondering. So I hope...I hope you do. I'll be listening for that. I love this discussion though, and I...and I do have a very good friend who's...went through your nursing program and yeah, I agree. It's a very good program. The people who've come out of it are very compassionate and love their work. So says a lot about your work. So thank you.

MS. SCHARNHORST: You're welcome. I hope they're smart too.

VICE-CHAIR SUGIMURA: Yeah, smart, smart. I think she graduated top of the class.

MS. SCHARNHORST: Awesome.

CHAIR KAMA: Wow. I didn't realize how big this discussion was going to go, or how massive the needs were, but earlier someone said that we really need to meet the needs. And I'm thinking, what are...what are the health needs of our County? Who do we need for...like what Member Paltin was talking about, trying to get...you know, who do we want to...what are those jobs, or what are those particular needs or providers that we need because we have this as a huge need, right? So I don't even know how to go about...it just seems so overwhelming to me because it's just so much that needs to get done, and we don't have enough to do it. It kind of reminds me of when I was a young mom and I had all these nine kids and only my husband was working. And you know, school...everybody got to go school. Everybody needs supplies. Everybody needs clothes. And you know...and over time you figure it out, but it's a long time before you figure it out. And I kind of look at this issue as one of those long term...but if we're steady, right...so steady as we go is where I think we need to...so I ask the question: what is...what is...I mean, right now, I have a daughter. She needs an ENT specialist. The ENT specialist that she has retired, and where she used to go now no longer takes

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Medicaid. It's like okay, so got to go look for a doctor, right, that would take her. Not easy to find. So I understand the dilemma that we are all in, irregardless [sic] where you are in the spectrum, and I'm just wondering what some of those solutions are. I kind of like Member Paltin's because it's like the military, right? So the military says, hey, you guys start up with us, and this is what you get, and you get a bonus. And...you know. And then we even give you the GI Bill for you to go buy one. . .(inaudible). . . I mean, I wish we could do something like that, but I know that there's something out there. And I think if we all collectively put our heads together, we could probably figure this out. And I'm so happy that you're all here today. Members, do we have any other questions for our panelists?

COUNCILMEMBER LEE: Member Sinenci.

UNIDENTIFIED SPEAKER: Shane had a question.

CHAIR KAMA: Yes.

COUNCILMEMBER LEE: Member Sinenci.

CHAIR KAMA: Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Yeah, I just had a couple general thoughts. I mean...and mahalo for your presentations this afternoon. Great insight in all of the challenges and the issues we're seeing. Because for us, as lawmakers, we were thinking...I mean if we were to diversify our economy and kind of, you know, take the pandemic as an opportunity to try and diversify and even expand, the medical field would've been one of the areas that we would want to diversify into and almost...and almost expand it. But I mean, is it possible to still expand it with these types of challenges? You know, if we did go ahead and take all of your suggestions today, create those programs, subsidize some of the cost, their education cost, their housing...if we did some of those things, are we able, in the County, to still expand the industry?

MR. REMBIS: Let me take a stab at that. I think it's not only possible, but it's essential. We're all aging. We need to make sure that we're providing the care that we all need on Maui, and I think we have an obligation to make sure we're not only providing good care, but better care every year. There's so many specialties needed on Maui. And we talked about all the problems, but I'm going to give you two good things to know right now. People still want to come to Maui. They're harder to find, and when you find them, you got to make sure that you can bring them here. But right now, we just recruited a orthopedic physician who grew up on Maui, went to school across the street here, and is coming back with his family in March.

CHAIR KAMA: Yes.

MR. REMBIS: So they do come back. I also can give you good news that I'm having dinner with an ENT position, with his family, who wants to come here, on Friday, and I'm trying to convince him to move his family here. So we can bring them here. It's just difficult.

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We showed you some of the obstacles. That doesn't mean we can't do it.

COUNCILMEMBER SINENCI: Okay. Thank you. And then with the current challenges, and as administrators yourselves, do you see any opportunities to somehow...I know we've been doing things the same way for so long. Is there room to be innovative as far as, you know, whether it be sharing of our resources between the different agencies, or even using...I already...I understand that there's some traveling nurses and some rotating doctors. Has there been an opportunity to kind of look at, you know, almost force for you guys to be innovative during these shortages?

MR. REMBIS: I think so. We have been reaching out to people we usually don't talk to, you know, reaching out to the lodging industry, trying to get them to find rooms for us at some of the hotels for our traveling staff. Some of them have been very cooperative. So I think this is a time where we need to collaborate more and more with everyone in the community. Maybe some of the developers that want to build homes would be willing to focus on just building homes for the medical community and create a medical community. But we need to reach out to the assets we have here, the resources on Maui, and work together to solve these challenges, not plan on people from the mainland helping us. And I think collaboratively we can find some of the solutions here, and...as we're doing with UH. I mean, they're trying to expand some of their programs as the changes take place every year. . . .*(timer sounds)*. . . I think we all need to do that, reach out to everyone out there and see how we can work closer together.

MR. ALAKAI: Madam Chair, could I share something real quick? Just to...

CHAIR KAMA: Absolutely.

MR. ALAKAI: I want to say Maui is unique. Even though Kaiser, some of the hospitals, Maui Medical, independents are separate somewhat competitors, I got to say, the physicians really band together to provide coverage and work together. It's really unique. I think this is unique in this island. I don't know what it's like on Kaua'i or the Big Island, but I know Maui, everybody helps. If you look at the call schedule, it's a Kaiser guy, independent guy next night, Maui Medical. Everybody works together, and everybody tries to help each other out. So that's really nice about being on Maui and working here. If I could back up real slightly, I kind of listed out what I thought we need for the community in terms of physicians, which is...you got to almost separate physicians from nursing. It's kind of two different spheres, but behavioral health is really important, psychiatrists, psychologists. The ones on island take...they don't take all insurances, very limited...Quest, Medicare, Medicaid. It's a problem. Oncology, we basically...I think, Mike, we have two. You added one oncologist, but we don't have a lot of oncology on Island. Urology--we need that--pulmonology, and primary care physicians, those are the main areas that...from Maui Medical Group's perspective that we're looking to try to help on. Thank you.

MR. REMBIS: I would agree with Cliff. And we're with them trying to find those physicians desperately needed on the island. And we'll find them.

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MS. SCHARNHORST: I could make one comment --

CHAIR KAMA: Absolutely, please.

MS. SCHARNHORST: -- that nurse practitioners very well fill in primary care and mental health care needs. They perform very well all over the country, and it's a quicker turnaround. So we take the same people that we educate here, they graduate from Maui College with their BSN. They're ready to go to get their nurse practitioner, and we can...and they live here already. And those guys could...the other thing is--we haven't touched on it--is just that we all know there's social determinants of health, and not all parts of our County are as healthy as other parts. So some of that solution is getting students from underrepresented places into the...be educated in these roles, and have them come up and be primary care nurse practitioners and mental health care nurse practitioners in their own communities. And that's kind of a way that...it has evidence behind it to tackle some of those problems.

COUNCILMEMBER SINENCI: Mahalo. Mahalo for that. Thank you, Chair.

CHAIR KAMA: You're welcome, Mr. Sinenci. Members, do we have any other questions for our panelists this afternoon? Yes, Ms. Paltin.

COUNCILMEMBER PALTIN: Oh, I just was wondering, if Corp. Counsel ever returned, if it would be legal to have housing for those in the healthcare field, or housing just for those in the teaching field because of the...

MS. DESJARDINS: Yeah, sorry about that. I had to sign something. I heard...I heard you referring to me in the background. I apologize. You know, when you folks did the Hōkūao project on Lānaʻi, one of the modifications that you...that you imposed was a certain number of those units to go towards teachers.

CHAIR KAMA: Hmm.

MS. DESJARDINS: So you do have sort of an idea of something that you did pass --

CHAIR KAMA: Great.

MS. DESJARDINS: -- which did, you know, kind of help with that crisis. So I think you would be looking, first of all, at...legally, at whether or not you have a crisis, which is what this conversation's about, and then how to get that legal so that it can address that crisis and justify what might otherwise be considered discriminatory, you know, contrary to the way we like to try to have our housing be all inclusive.

CHAIR KAMA: Right. Yeah.

MS. DESJARDINS: So yeah, I mean, it's definitely something that you folks have already done.

CHAIR KAMA: Great.

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COUNCILMEMBER PALTIN: And what would it take to designate it as such? I mean, for teaching, we pretty much know...I mean, anybody that disputes that we need more teachers is living under a rock. But for...in the healthcare industry, what would it take? Would it just be these three folks with us today saying it, or what kind of evidence or proof would we need that we're in a crisis for certain occupations in the healthcare industry?

MS. DESJARDINS: That's a good question. So whenever, as an attorney, you want to try to defend your position when you take one like this is you want data that can support what we call strict scrutiny by the courts when there are, you know, these types of situations. So we would want to have enough data behind us to feel confident that we could impose those conditions, but then the other alternative is as we...you folks have developed this legislation. I think it's important to qualify it with...to the extent permitted by law because that way you don't run afoul of the Fair Housing Act or other...you know, the LIHTC projects, we had that issue come up. So that's another way that we can qualify it, but still try to use it as a preference in case it runs into problems with the law.

COUNCILMEMBER PALTIN: And then one of the other things these three presenters did mention was, you know, certain professions, like surgeons, they make way above affordable housing. Their net worth is high. Nursing is a good paying job, but still it's not good enough to buy a house in Maui. And so if we were to say a certain number of housing was for this critical need in the healthcare industry, could we then say it's for . . . (timer sounds). . . . (inaudible). . . nurses regardless of what their AMI is?

MS. DESJARDINS: You know, I would have to look at that more closely, but I think that it's the AMI part that, to me, you need to be concerned about. But if you are going to impose on a market rate unit, that certain market rate units have to go to certain types of people, that to me doesn't seem as troubling as making sure though, for the affordable units, that you...you know, that you make sure that those people match the AMI. So for example, with the Lānaʻi example, those folks who are teachers on Lānaʻi are certainly within the AMI of the above moderate income, which is what that project, you know, encompassed. But as far as market rate units, again, if you can get the developer to agree on the record that certain modifications are not going to be challenged, then you know, those are...you know, that's the way that you make those things work in a way that doesn't become controversial later on.

COUNCILMEMBER PALTIN: So basically, we need to work closely with Mr. Rembis, Ms. Scharnhorst, and Mr. Alakai on what the income levels are for the needed jobs. And then when we have a housing development, whether these folks fall within the affordable range or the market range, we try to reserve some houses for folks in those needed industries and have the developer agree to the condition without forcing them.

MS. DESJARDINS: That's right. And data is really essential in any of these examples to have something to support why you are making an exception.

COUNCILMEMBER PALTIN: Okay. Was I the one that need to follow up with them or did

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somebody else want to do that?

CHAIR KAMA: I think...I think my question would be, so which one of our panelists today are able to come up with the data, or do you have the data available, or is there a way to get that data, or do you even have it at all?

MR. REMBIS: I think we can work with your Council or whoever we need to and come up with some data.

CHAIR KAMA: Okay. Okay. Thank you. So your collaboration team just increased. Yes, Chair Lee.

COUNCILMEMBER LEE: Just wanted to stress how important that information is, and if we can get it as quickly as possible. Because we're talking about the very real idea of revising some of our housing policies in order to meet the needs of the healthcare industry. And for us to do that is not that easy because we have a lot of competing forces for housing, yeah? But we see this as a emerging industry that we need, not only for today, but for the future. So I can't stress enough how important that information is. Thank you.

MR. REMBIS: If someone can reach out to me who wants to collaborate with us, I'll put them in contact with the people that have the data.

CHAIR KAMA: Thank you. And I think the Committee will do that. I will do that. Thank you. Any other questions for our panelists, Members? Well, seeing none, I want to thank, first of all, our panelists for being here, for sharing us...with us some really stark--makes me want to cry actually--realizations of where we're going in our industry...in our medical industry. And I want to thank you, Members, for coming up with some really great questions, some really great creative ideas of how we can actually make this work. So I'm so proud of my Committee. I tell you guys that all the time. I love you guys. And so thank you, Mr. Rembis; thank you, Mr. Alakai; and thank you, Professor Scharnhorst, for being with us, for opening up our eyes to what's really going on outside of the walls that we all live in sometimes. And I'm so appreciative of you folks being here, but so appreciative of the Members of this Committee too. So with that being said, Members, we're at the end of our topic. We're at the end of the day, the end of the discussion, and...yes, Mr. Sinenci.

COUNCILMEMBER SINENCI: No, Chair, just what was your intention? Were you going to defer?

CHAIR KAMA: My intention is to defer...yes, is to defer this item --

COUNCILMEMBER SINENCI: Oh, okay. Thank you.

CHAIR KAMA: -- and come back. Because I think we're going to have a lot of work to do moving forward. And hopefully at some point in time, maybe when we get what we need, maybe we can punt this to Housing, you know, when the time comes, but that's...my

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intent at this point is to defer this item. Thank you for asking.

COUNCILMEMBER SINENCI: No objections.

CHAIR KAMA: Yes, Member Sugimura.

VICE-CHAIR SUGIMURA: So for as long as I've been in office, which is only five years, but the one project that has not...nothing has happened is the Maui Lani, those 50 lots. So maybe there's something we can do for...to...you know, because we're paying...every year we're paying thousands and thousands of dollars of maintenance fees to these...

CHAIR KAMA: I want to...I want to say thank you for coming up with that, although this is not our Housing Committee.

VICE-CHAIR SUGIMURA: Yeah, yeah, sorry.

CHAIR KAMA: I mean, we are all on the housing committee, but certainly I'm sure that is something that, you know, we can bring up with our Housing Chair at some future time. But yes...

VICE-CHAIR SUGIMURA: Would be a really good use of it. Thank you.

CHAIR KAMA: Thank you.

MR. REMBIS: Great location too.

COUNCILMEMBER SUGIMURA: Yeah.

COUNCILMEMBER LEE: Good idea.

COUNCILMEMBER SUGIMURA: By the hospital.

CHAIR KAMA: Right by the hospital. Perfect.

UNIDENTIFIED SPEAKER: By the hospital.

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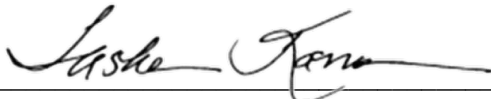
CHAIR KAMA: Well, my wonderful Members of this HCP Committee, we're at the end of the day. We're at the end of the agenda. I want to say thank you. We are going to defer this item, and I want to say thank you all. And it is now 3:44, and the HCP Committee of January 6, 2022 is now adjourned. . . .(gavel). . .

MR. REMBIS: Thank you so much.

ACTION: **DEFER** pending further discussion.

ADJOURN: 3:44 p.m.

APPROVED BY:



TASHA KAMA, Chair
Human Concerns and Parks Committee

hcp:min:220106:bc

Transcribed by: Brenda Clark

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CERTIFICATION

I, Brenda Clark, hereby certify that pages 1 through 40 of 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 9th day of February 2022, in Wailuku, Hawai'i

A handwritten signature in dark ink, appearing to read "Brenda Clark", is written over a horizontal line.

Brenda Clark