

PLANNING COMMITTEE
Council of the County of Maui

M I N U T E S

Council Chamber

July 19, 2016

CONVENE: 1:34 p.m.

PRESENT: VOTING MEMBERS:

Councilmember Don Couch, Chair
Councilmember Gladys C. Baisa
Councilmember Elle Cochran
Councilmember Mike White

EXCUSED: Councilmember Robert Carroll, Vice-Chair
Councilmember Don S. Guzman
Councilmember Michael P. Victorino

STAFF: Greg Garneau, Legislative Attorney
Pauline Martins, Committee Secretary

Denise Fernandez, Council Aide, Lanai Council Office (via
telephone conference bridge)
Dawn Lono, Council Aide, Hana Council Office (via telephone
conference bridge)

ADMIN.: Michael J. Hopper, Deputy Corporation Counsel, Department of the
Corporation Counsel
William Spence, Director, Department of Planning
Kathleen Aoki, Administrative Planning Officer, Plan
Implementation Division, Department of Planning

OTHERS: Casandra Abdul
Stan Franco
Lucienne de Naie
Plus (2) other people

PRESS: *Akaku Maui Community Television, Inc.*

PC-37(2) INCREASING INVENTORY OF AVAILABLE HOUSING (Rule 7(B))

CHAIR COUCH: ... *(gavel)* ... Will the Planning Committee meeting of July 19, 2016 please come to order? Before we start the meeting, can I ask everybody to turn their cells or any noise-making devices to silent mode or vibrate mode? We'd like to keep the meeting uninterrupted as much as possible. Okay, my name is Don Couch, I'm the Chair of this Committee and I will introduce all the attending Members. We're at

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bare quorum, Members, so if you need to be excused, let us know and we'll do a recess. I'm Don Couch, the Chair. Vice-Chair of the Committee, Robert Carroll, is excused. We have Councilmember Gladys Baisa.

COUNCILMEMBER BAISA: Good afternoon, Chair.

CHAIR COUCH: Good afternoon. Councilmember Elle Cochran.

COUNCILMEMBER COCHRAN: Aloha, good afternoon, Chair.

CHAIR COUCH: Aloha and good afternoon. Councilmember Guzman is excused. Councilmember Victorino is excused. And we have Council Chair Mike White.

COUNCILMEMBER WHITE: Aloha, Chair.

CHAIR COUCH: Aloha. Thank you, guys, for answering the poll and being here for this meeting. This is a, should be relatively quick but, yeah, I'm not going to jinx it, so, yeah. With this, we have from the Administration, we have the Planning Director, Will Spence, good afternoon.

MR. SPENCE: Good afternoon, Chair.

CHAIR COUCH: And with him is Kathleen Aoki, Long Term, or Implementation, I can't remember, Implementation, okay. And Deputy Corporation Counsel, Michael Hopper, good afternoon. And Legislative Attorney, Greg Garneau.

MR. GARNEAU: Good afternoon, Chair.

CHAIR COUCH: Good afternoon. And Committee Secretary, Pauline Martins, good afternoon. And from the Hana District Office, we have Dawn Lono.

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

CHAIR COUCH: And from the...good afternoon. And from the Lanai District Office, Denise Fernandez.

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

CHAIR COUCH: Thank you. And Molokai District Office is closed today. Members, we have one agenda item. It's PC-37(2), which is Increasing Inventory of Affordable Housing (Rule 7(B)). It's a Rule 7(B) item so there isn't an actual item that went to Chair White. We're just, this is something that is important to this Committee so we're invoking Rule 7(B). First we're going to go into testimony. For individuals testifying in the Chamber, please sign up at the desk outside the Chamber door. If testifying from the remote testimony site, please sign up with District Office Staff. Testimony will be limited to the item listed on the agenda today and each testifier will be allowed three minutes to testify with one minute to conclude. And we're going to do a lighting system. It's set for three minutes on green, one minute on yellow and when it turns

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red, that means your four minutes are up so please wrap up your comments. When testifying, please state your name and any organization you may be representing. So without objection, Members, we'll open public testimony.

COUNCILMEMBERS: No objections.

. . . BEGIN PUBLIC TESTIMONY . . .

CHAIR COUCH: Okay. First up to testify is Casandra Abdul, followed by Stan Franco.

MS. ABDUL: Good afternoon. I'm Casandra Abdul, the executive director of Na Hale O Maui and I'm very pleased to be able to have the opportunity to come before you this afternoon, Chair and Councilmembers, to support affordable housing here in Maui County. Albert Einstein defined insanity as doing to the same thing over and over and expecting a different result. I think many of us feel like that's what's happening with affordable housing here in Maui County. Na Hale O Maui is a 501(c)(3) nonprofit organization and our mission is to secure and preserve a permanent supply of affordable housing alternatives for low and moderate-income households in Maui County. And we do support all affordable housing and strongly encourage affordable housing in perpetuity. The County's current affordable housing solutions are not working. We currently invest public money to develop temporarily affordable housing. In a relatively short time, the individual homeowner has the ability to sell at market prices, effectively winning the housing lottery where the initial public investment becomes a windfall profit for a single family. We believe that public funds invested in the community need to remain in the community. There's Maryland Affordable Housing Land Trust Act where I found a quote that says, we need to leave it in the community to make the public's investment a permanent part of the pricing of subsidized homes. We're heartened by this Committee's efforts to think outside the conventional box of housing solutions to consider permanent solutions to our affordable housing crisis. We are particularly encouraged by the ability of the Planning Committee's TIG to explore the many ideas enumerated under its scope of investigation. Na Hale O Maui has invested grants that we have received from HUD's Neighborhood Stabilization Program, as well as the County of Maui's Affordable Housing Fund and funds from the sale of homes for 33 CLT homes, Community Land Trust homes and those will remain affordable in perpetuity. Two of our CLT homes were repurchased by Na Hale O Maui. The homeowner got to share in a portion of the appreciation on the house. That's set by a scale that runs up to 15 years so a homeowner can share from 25 percent to 50 percent of the appreciation. The first home was resold to an income-qualified family, increasing the number of families we've had with us to 34 and the second repurchase we just did this year, it's in renovation and, once sold, will have added a 35th homeowner family. We look forward to continuing opportunities to partner with the County of Maui, to provide affordable houses, homes in perpetuity, for deserving income-qualified Maui families, those from 80 percent to 100 percent, I'm sorry, 120 percent of the AMI. And we want to be a part of the affordable housing solution. Thank you very much.

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CHAIR COUCH: Thank you. Members, any questions to the testifier? I have, potentially, a couple. You talked about, you have 33 homes. Do you have a number of homes that you would have to get in your inventory in order to become self-sustaining, without having to come back to the County for more income?

MS. ABDUL: Initially, the organization came to the County for operating funds, only the one time. And at that time, they promised they would not be back for operating funds. So the only thing that Na Hale has ever come back for are project funds.

CHAIR COUCH: Right.

MS. ABDUL: And I believe that all of the organizations that are involved in affordable housing here in Maui County do need help with projects. Generally, they look at between 100 to 300 houses in a CLT where the lease rent will cover the operating expenses and we're quite a ways from there.

CHAIR COUCH: Okay. Alright, so right now your operating expenses, you get as fundraising opportunities?

MS. ABDUL: Part of it is that and also when we come to the County and respond to a RFP, we also ask for development funds.

CHAIR COUCH: Okay.

MS. ABDUL: Yes.

CHAIR COUCH: Alright, thank you. Members, any further questions? Seeing none, thank you.

MS. ABDUL: Thank you very much. I appreciate this.

CHAIR COUCH: Next up is Stan Franco, followed by Lucienne de Naie.

MR. FRANCO: The Chair and Members. Sorry, frog in the voice. I'm Stan Franco and I speak for FACE Maui. We think that, we're very happy that this is on the agenda. We've been talking about this for a long time as an organization and we think there's going to be a lot of study that's going to be required to determine how we going to build this affordable housing and what kind impacts it will be on the people. Let me tell you a story. When I was a kid, maybe about 12 years old, I was sitting, talking to my grandfather, and he told me, grandson, really don't trust the outsider. He had an experience that he had bought on a retainer, an insurance policy from a travelling salesman that had come to his door and he never got the insurance policy. And I think our rules and regulations, our laws that we have put in place, has somewhat of this feeling that we cannot trust the outsiders so we put all these restrictions on. So now we're going to look at those restrictions because it's impacting the, our need for affordable housing. So we gotta try and understand what is the laws that we need to change and what do we need to keep in place so that, basically, we don't get taken. FACE Maui has reviewed 11 proposals. We like what you're saying but we think they

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need to be vetted over a long period of time. We need a long view on the affordable housing issue. Like Dave DeLeon, in his RAM survey that they talked about, we believe that we need to create a housing czar and will last maybe 10 years, 12 years now, Gladys. The Maui Nui Housing Taskforce recommended a similar idea. I think they called it the Affordable Housing Administrator. So we've been talking about this idea for a while in this community. FACE Maui believes that we need to create the housing czar who would come from a nonprofit housing organization outside of the County that has the experiences that are needed to really coalesce the issue of affordable housing. We could do this through a request for a proposal and then once it is awarded, it would be monitored by the Department of Housing and Human Concerns and then those reports can come to you to be reviewed. We believe that this proposal may be the best way to make a focal point, a one-stop center that was talked about by Maui Nui Housing Taskforce so that affordable, then we can really create affordable housing for the County of Maui. We agree with Dave that we think that the Department of Housing and Human Concerns is too busy with all the other duties they have to give full attention to this most pressing need that you have talked about today, over time now, this affordable housing inventory. We're willing to be available to help create this RFP if you need for us to be part of that. We believe that the 11 ideas proposed by the Planning Department would be best vetted by a nonprofit housing organization housing czar for the benefit of all of Maui's people. Thank you.

CHAIR COUCH: Thank you, Mr. Franco. Members, any questions to the testifier? Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much, Chair. And thank you, Stan, for being here and thank you for sticking with this problem as long as you have. Unfortunately, we haven't really made a dent in it. But I do like the idea that you propose today. I think when it's everybody, somebody and nobody's job, it never gets done. And so if you give it to an organization, is what I'm hearing, that you wanna, we would put this, whatever we want to call, person, could be a czar, could be a coordinator, I don't care what we call him, but they're focused on housing and nothing else, probably with County funding in a nonprofit. Is that what I'm hearing?

MR. FRANCO: Yes.

COUNCILMEMBER BAISA: And so this person would not be a County employee but would be funded by County funds but a specialist and an expert in this area?

MR. FRANCO: Correct.

COUNCILMEMBER BAISA: Okay. Well, I think that, you know, that we've tried everything else and nothing works. So as somebody said a little earlier here about insanity, let's try something else, you know, if what we've done doesn't work then let's try something else. So I have to say, I like the idea and thank you very much. Thank you for coming.

MR. FRANCO: Thank you.

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CHAIR COUCH: Thank you. Members, any further questions? Mr. Franco, you going to be around? We're going to discuss the TIG and my intent on the TIG is to prioritize the top, I think, four or five items that this Committee can really focus in on but those items still remain and I like your idea of having a long term, really good look at this and have people go over it, you know, with a fine tooth comb. So are you going to be around so we can have this discussion a little bit and, we may be a little bit loose with the formality in this meeting today, but to do some back and forth on how we should work this TIG?

MR. FRANCO: I'll be glad to.

CHAIR COUCH: Okay, great, thank you. Alright, next person signed up and the last person signed up to testify is Lucienne de Naie.

MS. de NAIE: Aloha. Aloha, Chair Couch and the members of the Committee. My name is Lucienne de Naie. I am a member of the FACE Maui Affordable Housing Committee but I'm just testifying as a, you know, concerned citizen today. And as a member of the FACE Maui Affordable Housing Committee, I sat through a number of meetings of another special sort of investigative group that was set up--I think it was last year or maybe, you know, maybe it was late in 2014--and Stan was there, Tasha Kama, various folks were there, our staff person at the time, Kim Harman, was representing FACE on that group. And we were pretty frustrated because we heard all these things kind of talked around. One of the most common responses of the people who were serving on the group is, oh, well we couldn't go that, it's too hard or we couldn't do that even though it's done someplace else or that wouldn't work. And one of the things they said wouldn't work would be to have a person who was focused on just getting the job of housing and people being connected done. So I strongly support what Stan has said. If this temporary investigative group comes up with four dynamite suggestions and they actually, you know, start, you know, being taken seriously by the Planning Department, who's going to check in to see how they're working, what they're doing? You know, I just don't think that we have that role filled. Also, I think it's important who you put on this investigative group 'cause the quality of what you're going to get out is going to be based on the range of who can serve and what they can bring to the table. Also, I just want to say that the earlier speaker from Hale O Maui on the perpetuity aspect, I mean, I don't see that mentioned on any of these 11 points and yet it is true, we are building temporary affordable housing and there's nothing, and even, we're considering subsidizing some of it but I have to say, your last committee was totally against having anything in more perpetuity. They just didn't think that that was a good idea so we need to work that in the mix and perhaps Hale should have a representative on that investigative committee. And then the last thing I want to say is one of the things that was brought up was the, just go and look at land that has perhaps Land Use Commission entitlements and sort of make sure that the rest of its zoning and community plan designation could match its urban entitlements and therefore be ready to build faster. This is not always a really good idea 'cause some things that pass through the Land Use Commission, they don't move forward because they have like real constraints, you know, problems with drainage, problems with other things. So, just to say, well, you know, got that, it must be good,

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is not necessarily the correct inclusion. In fact, a lot of times, you know, those parcels need a real second look. Thank you for consideration.

CHAIR COUCH: Thank you, Ms. de Naie. Members, any questions to the testifier?

COUNCILMEMBER COCHRAN: Chair?

CHAIR COUCH: Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you and thank you, Ms. de Naie, for being part of FACE Maui and on their Affordable Housing Committee. When you were mentioning being on that, you were saying the people, they were saying, oh, we can't do it like that, we can't, who were you referencing?

MS. de NAIE: This was a special committee on affordable housing solutions that was convened, I believe by the head of the, of your Housing and Human Services Committee here at the Council and people were invited to participate and FACE Maui was invited to send a representative. We asked if others from FACE Maui could sit it even though they couldn't be a voting or speaking representative. And so a number of us went to these meetings, which were at like 7:30 a.m., in the County Building, and sat in and listened and that's what I'm reporting back to you, that there was just a lot of why we can't's in this particular group of people.

COUNCILMEMBER COCHRAN: But that was the County, the Department saying we can't do this, we can't do that?

MS. de NAIE: Well, it was a variety of folks. It was the chair of the committee saying, oh, that would never work. It was a representative from the County Housing and Human Services saying, no, that would be too hard for our Department to do, you know, these were suggestions that were put out. Many of them were put out by Ms. Harman, who really did a lot of research and, you know, personally I felt that she should've gotten a little bit more of her suggestions incorporated but it didn't happen.

COUNCILMEMBER COCHRAN: Okay. Alright, well, thank you very much.

MS. de NAIE: Thank you.

COUNCILMEMBER COCHRAN: Thank you, Chair.

CHAIR COUCH: Thank you. Mr. White?

COUNCILMEMBER WHITE: Thank you for being here. When was that committee?

MS. de NAIE: Stan, do you recall? It was over a year ago 'cause Kim was still with us, so I would guess either late 2014 or early 2015.

COUNCILMEMBER WHITE: Okay, thank you. Thank you, Chair.

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CHAIR COUCH: Thank you.

COUNCILMEMBER COCHRAN: And, sorry ...

CHAIR COUCH: Ms. Cochran?

COUNCILMEMBER COCHRAN: Yeah, and maybe this can be for Mr. Franco also, but are there minutes from those meeting? I mean, what you're speaking towards, certain comments were made, Department said can't do it, developer said can't do it. I mean it'd be kinda helpful to see what you folks already vetted and, you know, bounced off the people in this community in regards to affordable housing and then we could kinda take those into consideration.

MR. FRANCO: The committee was formed to look at the Residential Workforce Housing Policy and I think it was formed by the Council. And on the committee, Alice Lee was the chair, Charlie Jenks was involved in that. We had Buddy, from...Almeida. I think even Stacy appeared at that meeting and they called in various people. We were one of the representatives. I think Maui Tomorrow was one of the represented organizations at this meeting. And we got frustrated because we were recommending different positions and it was not being considered at all. And like...what's your name...what's her name mentioned, Lucienne mentioned that we put in a lot of time and studying in it and we were completely frustrated with the way it was handled. But that is what it is and so that's what I, again, remember.

COUNCILMEMBER COCHRAN: Okay, yeah, well, thank you for refreshing my memory. I do now recall the ...

MS. de NAIE: There was an overall report. I'm not sure if minutes were kept. Kim actually kept notes of each meeting and did e-mail them to the Housing Committee members ...

COUNCILMEMBER COCHRAN: Okay, alright, well, very good. Thank you, folks, for your participation.

CHAIR COUCH: Yeah, thank you. Thank you very much. Anybody else in the Chamber wanting to testify? Okay, we'll go to the District Offices. First, let's go to the Hana District Office. Hana? Oh, did we lose Hana? How about Lanai District Office?

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

CHAIR COUCH: Okay. One more call for the Hana Office. Dawn? Okay, I guess there was nobody willing to testify. We'll close public testimony, without objection, close public testimony with the exception that if Hana does have somebody testifying and they just lost connection, we'll reopen. No objections?

COUNCILMEMBERS: No objections.

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CHAIR COUCH: Okay. Public testimony is closed and we will hang up the phone. If there is something, we'll get, we'll recess and come back.

. . . END OF PUBLIC TESTIMONY . . .

CHAIR COUCH: Okay, Members, we took up this item, this is PC-37(2), we took up the item at our meeting of June 30, 2016. The Committee heard a long list of ideas for increasing the County's affordable and middle-income housing inventory. It was a letter from the Department of Planning and I really appreciate them coming up with those suggestions. Staff has compiled the suggestions, which are contained in the correspondence dated July 13, 2016 from me. These suggestions include such things as allowing additional cooking facilities and dwelling units, identifying stalled projects that are "shovel ready" and determining what needs to be done to get them built, and considering comprehensive County-initiated land use designations. The Planning Director asked for the Committee's help and guidance with prioritizing the items. We discussed forming a temporary investigative group or a TIG, pursuant to Hawaii Revised Statute Section 92-2.5(b), to investigate ideas for increasing the affordable housing inventory and make recommendations regarding top strategies for this task. I've prepared and proposed a plan for establishing the TIG, which is, was transmitted to this Committee on July 13, 2016. It is entitled Temporary Investigative Group of the Planning Committee and it can be found on Granicus as attachment number three. The purpose of the TIG is make findings and recommendations on the ideas being discussed. I want to elaborate that, on that, a little bit further. The whole idea for this TIG is to take a look at those suggestions and see what top five, that we really want to dive into, we think will be most effective. We'll leave the TIG open until November 30th, I think, was what we've got as set. But I would like to see the top five issues that we think that this Committee will discuss. Since TIG aren't, I mean, they're certainly open to the public, but they're not public noticed and, you know, they're probably not going to be on *Akaku* or anything like that. That's what I'm looking for from this Committee, is just to find the top five things. When we have those top five, I would love to have this Committee discuss it in full, especially with Member Crivello, when she can make it, discuss each one of those items in full. If we were going to go for the 11, then we would be discussing forever. I want to get the five most important ones that we think we can do at a quick, we can do quickly, and get people in here and we'll have panel discussions, we'll have the discussions, and come up with something before too long. You know, we're getting close to the end of this term so I want to have some guidance from this Committee to see where we can go and get those affordable housing issues taken care of. We'll leave the TIG going so that they can have separate meetings after that to come up, you know, to delve into the other issues as well to see what kind of things and what committee we might be able to send information to. Does that make sense to you guys? Yes? No? Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much, Chair. Chair, I have a question. I can't remember, I was in a TIG a while back. Can anybody who is not a sitting Councilmember belong to this TIG?

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CHAIR COUCH: Yes.

COUNCILMEMBER BAISA: So it doesn't necessarily have to be three of us?

CHAIR COUCH: No, it does not.

COUNCILMEMBER BAISA: Well, in my opinion, I think that's really important because I'd like to see some folks that really understand affordable housing, that have built it, that have dealt with it, that have funded it, that have gone through all the nightmare that it takes to do something like that, available to this group. I think it's really important.

CHAIR COUCH: Oh, yes. The intent is to have three Members, three or maybe four Councilmembers, involved, 'cause I would like--Ms. Crivello wants to be on the TIG --

COUNCILMEMBER BAISA: Yeah, that's right.

CHAIR COUCH: --and then bring in as many people as possible to sit down and discuss it, just go through as long as it takes to discuss each of those items and get input from everybody and then come back with the recommendations. Yeah, I have no qualms with bringing in as many folks as possible, hopefully everybody sitting here in the gallery that is interested in being in the discussion, we'll definitely open it up for everybody. That makes sense?

COUNCILMEMBER BAISA: Yeah, it makes sense but, again, that's not what I'm thinking about. I'm thinking of not having the whole world but having at least somebody who has actually done this. And I just pick a name because, unfortunately, they're not here anymore, but somebody like a Jesse Spencer's group that actually --

CHAIR COUCH: Sure.

COUNCILMEMBER BAISA: --has done this.

CHAIR COUCH: Right. They will be there.

COUNCILMEMBER BAISA: I think it's important that we get people that have been down the road and in the trench.

CHAIR COUCH: Yep.

COUNCILMEMBER BAISA: They understand stuff that you and I talk about.

CHAIR COUCH: Right. And they will definitely be involved in that. Yes, Ms. Cochran?

COUNCILMEMBER COCHRAN: And I do appreciate what Na Hale O Maui does. I mean --

CHAIR COUCH: Yes.

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COUNCILMEMBER COCHRAN: --so far, I mean, there's places that do, and perpetuity, I love the word for this, and they, that's part of their mantra also so I appreciate that. I know there's other models and programs across the nation that do incorporate a little differently from what they do but I appreciate how they're doing it here now. So I think they, it'd be great to have someone like them there because they really truly believe in the whole affordable perpetuity concept. Is there a way to get staff, like someone from my office who's really honing in on this particular topic and subject matter, I mean from A to Z, morning, noon and night, digging into this subject matter?

CHAIR COUCH: Sure.

COUNCILMEMBER COCHRAN: So, personally, I would like to see that person involved somehow in this discussion too within the TIG --

CHAIR COUCH: Yep.

COUNCILMEMBER COCHRAN: --so, if that's appropriate?

CHAIR COUCH: They can be involved, absolutely.

COUNCILMEMBER COCHRAN: Okay.

CHAIR COUCH: We'll have ...

COUNCILMEMBER COCHRAN: 'Cause, as you know, we all have many topics we need --

CHAIR COUCH: Yes.

COUNCILMEMBER COCHRAN: --to be on top of --

CHAIR COUCH: Yeah.

COUNCILMEMBER COCHRAN: --but we have certain ones --

CHAIR COUCH: Certain staff.

COUNCILMEMBER COCHRAN: --digging into particular topics and this one here is, yeah --

CHAIR COUCH: Yeah.

COUNCILMEMBER COCHRAN: --top of the list. So, just ...

CHAIR COUCH: Ms. Baisa? Yes.

COUNCILMEMBER BAISA: I'm sorry.

COUNCILMEMBER COCHRAN: No, no.

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COUNCILMEMBER BAISA: I don't know if --

COUNCILMEMBER COCHRAN: Thanks, I'm good. Thank you.

COUNCILMEMBER BAISA: --Member Cochran's pau. Okay. You know, sometimes history is good and it's interesting that Mr. Franco brought it up. But a long time ago, we had something called the Maui Nui Housing Task Force. And that existed before the Land Trust was created here, Na Hale O Maui, and Lance Holter was very active. And he brought people from Vermont that had this land trust situation and we brought them and, actually, theirs was the model that we looked at in trying to create Na Hale O Maui. And so, like Ms. Cochran says, there are organizations throughout the country that do this and they do it really well.

COUNCILMEMBER COCHRAN: Right.

COUNCILMEMBER BAISA: So, you know, we do have our own now, Na Hale O Maui, and I think they're a very important player because this idea of perpetuity, you know, we've been playing with that from when the Maui Nui Housing Task Force was created and we know that it has to be a piece of it. And I think that they bring a very important history to the deciding of what we're going to do and how we're going to do it 'cause they have the experience of having done it now. But, you know, throughout the nation, there are folks and, you know, we are members of NACo and I'm very --

CHAIR COUCH: Yes.

COUNCILMEMBER BAISA: --sure that through those contacts we can get more help.

CHAIR COUCH: Yep.

COUNCILMEMBER BAISA: We're all going to be in Long Beach next week --

CHAIR COUCH: Yeah.

COUNCILMEMBER BAISA: --or later this week, talking with, you know, these kind of folks. Maybe something we should really look at and see who can help us.

CHAIR COUCH: Yeah. That's part of my, what I'm going to look --

COUNCILMEMBER BAISA: Part of your job.

CHAIR COUCH: --into tomorrow, or when I go, I believe, tomorrow, so, I will be ...

COUNCILMEMBER BAISA: We look forward to what we'll bring back.

CHAIR COUCH: Yeah. Yes, Ms. Cochran?

COUNCILMEMBER COCHRAN: And, Chair, I think, and I love the perspective of Ms. Baisa in regards to speaking to the people who have actually been there, done that, had

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physically, you know, materialized affordable housing here and, of course, there's quite a few subdivisions in West Maui, Napili Hau, Wahikuli Terrace. I mean, we have our Aulike Street that we did via the County, which, in fact, was one of my startup homes that I bought originally. And so we have done it, others have done it. But I think what we don't really talk about too much is the, you know, I think a person in the real estate brokerage, a mortgage-type minded person needs to be here --

CHAIR COUCH: Yep.

COUNCILMEMBER COCHRAN: --because what we're finding out is that people, they can't qualify, they're not, you know, and now they're just checked off the list and next thing you know the developers are saying, gee, we sure tried, we couldn't get anybody to qualify and now we gotta flip it to market.

CHAIR COUCH: Right.

COUNCILMEMBER COCHRAN: But you know what, that is not...this...yeah, I think --

CHAIR COUCH: Agreed.

COUNCILMEMBER COCHRAN: --that is part of the problem that is occurring. So the physical buildings, that's one thing. To get the people in it, that's a whole other part to this.

CHAIR COUCH: Right.

COUNCILMEMBER COCHRAN: And a person from that field needs to be here to discuss it because it goes hand-in-hand. It has to be addressed and talked --

CHAIR COUCH: Yeah.

COUNCILMEMBER COCHRAN: --about.

CHAIR COUCH: Absolutely.

COUNCILMEMBER COCHRAN: So if you don't mind, you know, there is people in the community who would be very willing to step up and hopefully, you know, join the conversation.

CHAIR COUCH: Yeah.

COUNCILMEMBER COCHRAN: And, yeah, and I think that's where it needs, what needs to happen also.

CHAIR COUCH: Yeah, and that's what we're going to get in. And, again, this is to find the top, I say five, but I think we're only going to be able to do three here as a Committee. And then we will get all of those people in here, talking about those things in public, on *Akaku*, the whole nine yards. This is just to get the ball rolling. So all of these

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items, I anticipate we're going to have here on this floor on what we can do to help expedite this process. Ms. Baisa?

COUNCILMEMBER BAISA: How long are you going to let this TIG go? Did I hear November?

CHAIR COUCH: November 30th, it will stay in, up to November 30th, it will stay in effect. I would like to have the first report by August 18th.

COUNCILMEMBER BAISA: I see, okay.

CHAIR COUCH: So, it's a short time but it's a smaller task at this point. It's to determine the top five so we can sit here, discuss, and then come up with the three and get the people here on the floor and have a really good, not quite round table discussion, but something that we would be able to really get out there, little less of a formal meeting, and just have a lot of back and forth and see what can be done about the three items or four items that we, this Committee chooses. Does that make sense?

COUNCILMEMBER BAISA: Yes.

COUNCILMEMBER COCHRAN: Chair?

MR. SPENCE: Mr. Chair?

CHAIR COUCH: Yes, Mr. Spence?

MR. SPENCE: I think what we're talking about is extremely important. They are certainly parts of the picture. The Land Trust is, you know, model in perpetuity, that's an ownership issue. The being able to qualify, you know, that's a financing issue. But one of things, I think, that, someone that would be important on this TIG would also be a developer --

CHAIR COUCH: Yeah.

MR. SPENCE: --because if we don't have inventory, it doesn't matter how many buyers you have, it doesn't matter whether it's in perpetuity or not. You have to be able to develop inventory in order for, to give people something to buy or to rent. And, you know, the whole side, I mean, naturally, because I'm directing the Planning Department, I think in terms of land entitlements, but I personally have not gone through the entitlement process, what it costs to go to the Land Use Commission, what it costs to go through the accounting processes, what it's like, what it adds to the cost of housing, what it adds to hang on to a piece of property for the seven years that it takes to go through everything. I think that's going to be an important component as well.

CHAIR COUCH: Yeah. That is on the list.

MR. SPENCE: And if we don't, if we can't control things too much on a State level, certainly there's things we can do on a County level.

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CHAIR COUCH: Okay. Ms. Cochran?

COUNCILMEMBER COCHRAN: Chair, and thank you, Director Spence, for that comment. But what about all those 201Hs that we approved? Wasn't their --

MR. SPENCE: Right.

COUNCILMEMBER COCHRAN: -- plea here that, exempt this, exempt that, pass this through, hurry, hurry, rush it through so we can build? And yet they're still sitting there, bare, nothing on the ground. So --

MR. SPENCE: Right.

COUNCILMEMBER COCHRAN: --what happens there and how can we...right, Mr. Spence?

MR. SPENCE: I agree.

COUNCILMEMBER COCHRAN: I mean ...

MR. SPENCE: And one of the ...

COUNCILMEMBER COCHRAN: So developer, developer, but we got some already --

MR. SPENCE: Right.

COUNCILMEMBER COCHRAN: --sitting out there with every entitlement in the world we could give them.

MR. SPENCE: And one of the things on the list is to go, okay, what are these entitled projects and how come they're not going forward? Let's find that out. That's a big deal. There's, there are reasons for this, it's not just, it's not only entitlements.

CHAIR COUCH: Right, and those are some of the things we need to discuss and bring, you know, that might be a good thing for the TIG. After we get the priorities, they can go and pick on those kind of things, especially that, all those 201Hs we gave.

MR. SPENCE: Yeah, I agree.

CHAIR COUCH: We just extended the one. And he's got, been six months or eight months into it, six months, and nothing, so. Ms. Baisa?

COUNCILMEMBER BAISA: Well, you know me, always bottom line. What would you like us to do today?

CHAIR COUCH: Today ...

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COUNCILMEMBER BAISA: Are we going to create a list of who's going belong or are we gonna decide --

CHAIR COUCH: Today, I would just like --

COUNCILMEMBER BAISA: --whether we want to do it or ...

CHAIR COUCH: --to form the TIG. Yeah, I would like to form the TIG. I would like it to be at least three Members, if not, four with Ms. Crivello. Ms. Crivello has asked to be on it so I definitely want her on it.

COUNCILMEMBER BAISA: Makes sense, it's her area.

CHAIR COUCH: And then, two, if I only get two of us, that's great. If I get a third, that's fine too. And then we will set, that TIG will set the meeting times and place and get our list of people that we're gonna invite and sit down at the table and we'll just hash it out. I'd prefer to start at 8:00 in the morning and see what we can do by 5:00 in the afternoon. I mean, if we can get a day's worth of stuff from everybody as they can come in and just go through this list that, from the June 16th letter from the Planning Department, and say, okay, we really need to concentrate on one, four, seven and nine. And then, we'll bring that discussion out in the open to everybody here, invite as many people as we can, to sit down and discuss it on the floor and come up with some solution, whether it's a change in procedures, a change in Code, you know, Maui County Code, or whatever it takes to get those three things running and running as soon as possible. Does that make sense?

COUNCILMEMBER BAISA: Fine.

CHAIR COUCH: Yes, Chair White?

COUNCILMEMBER WHITE: Yeah, I think that makes a lot of sense. I think what you're going to find is that some of these items might be able to be done by the Administration --

CHAIR COUCH: Yes.

COUNCILMEMBER WHITE: --with a little bit --

MR. SPENCE: Sure.

COUNCILMEMBER WHITE: --from us.

CHAIR COUCH: Yes.

COUNCILMEMBER WHITE: Others are going to require Code changes and so forth.

CHAIR COUCH: Right.

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COUNCILMEMBER WHITE: But I think the other thing that strikes me is that once you get the other folks involved, if you have a developer or somebody who's been doing affordable housing from a non profit standpoint for a while, you're likely to have a number of elements added to the list --

CHAIR COUCH: That's fine too.

COUNCILMEMBER WHITE: --to make the selection --

CHAIR COUCH: That's absolutely fine.

COUNCILMEMBER WHITE: --even more challenging.

CHAIR COUCH: Yeah.

COUNCILMEMBER WHITE: But I think it's the right way to go and I agree that you should have--and my understanding is that Ms. Crivello can be the fourth on a seven-member committee TIG --

CHAIR COUCH: Correct.

COUNCILMEMBER WHITE: --because she's a non-voting member --

CHAIR COUCH: Correct.

COUNCILMEMBER WHITE: --and she would still be, would still qualify at the Council level because it would still only be four Members.

CHAIR COUCH: That is correct.

COUNCILMEMBER WHITE: Okay. Thank you.

CHAIR COUCH: Okay. Alright, any other questions? I have a couple more comments that I wanted to go over. We kinda talked about what I was looking to do. Unfortunately, the law requires two committee meetings for the TIG's report. At the first meeting, the TIG makes its report, findings and recommendations but there cannot be any discussions, deliberations or vote. So hopefully by August 18th, which is our, we have a meeting, this Committee has a meeting, by August 18th, we get the report, the TIG can come up with, alright, these are our four or five priority items, and then the following meeting, which is September 1st, I think, we will take one of those items or a couple of those items and have people here and discuss it. Okay?

COUNCILMEMBER COCHRAN: Sorry, Chair --

CHAIR COUCH: Yeah.

COUNCILMEMBER COCHRAN: --what was the date on that September meeting?

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CHAIR COUCH: I believe it's September 1st. Yeah, it's September 1st, is when we'll actually have, you know, other people up here and we'll be acting on some of the top priority items.

COUNCILMEMBER COCHRAN: Okay.

CHAIR COUCH: August 18th is when the TIG is going to give its report and they can give the report and say all the nice things and what was talked about but we can't deliberate or act upon. Okay?

COUNCILMEMBER COCHRAN: Okay.

CHAIR COUCH: The State Sunshine Law prevents the Committee from discussing any matter that the TIG is working on during the time they are constituted but TIG members may discuss the matters before the TIG with each other during that time. So we have to be very careful. We can't discuss anything until they come, have come with their report. That's why my recommendation is to establish the TIG with a report due back on us, to us on August 18th. My final thought before we begin the discussion is that this Committee may wish to instruct the TIG to consider prioritizing the issues by the time the Department will need to complete them. So if some items on the list can be accomplished pretty quickly and have more bang for the buck then maybe we wanna make that higher up on the priority list. Others may take quite a long time, you know, change in Code, for sure, sometimes can take forever. Any other thoughts from the Department? Corporation Counsel, am I on the right track with TIGs?

MR. HOPPER: That's essentially it. I wasn't sure what you were talking about. You would only be appointing the Councilmembers to "serve" on the TIG?

CHAIR COUCH: Correct.

MR. HOPPER: You may have other people come in and --

CHAIR COUCH: We will have as many people --

MR. HOPPER: --speak but ...

CHAIR COUCH: --as we can get, come in, yes.

MR. HOPPER: Yeah, I just would want to clarify that the actual vote would be to appoint which Members which have to be fewer than a quorum, so three at the most, to actually serve on this TIG.

CHAIR COUCH: Except for Member Crivello can be on it 'cause she's not a voting Member of this Committee.

MR. HOPPER: I haven't looked at that particular issue but if Council Services staff has looked at that, we can discuss it but ...

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CHAIR COUCH: Yeah. Okay. Any other comments, thoughts, folks? Yes?

COUNCILMEMBER COCHRAN: So we're picking which official Councilmembers are on the TIG --

CHAIR COUCH: Right.

COUNCILMEMBER COCHRAN: --but those extra people, like we mentioned, Na Hale O Maui --

CHAIR COUCH: Right.

COUNCILMEMBER COCHRAN: --I mentioned staff --

CHAIR COUCH: They will be --

COUNCILMEMBER COCHRAN: --that's --

CHAIR COUCH: --they will be --

COUNCILMEMBER COCHRAN: --not, we're not discussing those entities --

CHAIR COUCH: No.

COUNCILMEMBER COCHRAN: --today?

CHAIR COUCH: No, they will be, as members of the TIG, we'll say, we want --

COUNCILMEMBER COCHRAN: Okay.

CHAIR COUCH: --you know, Na Hale O Maui here, we want your staff here, we want my staff there because they've been working on some of the stuff, we want a developer there, we want Mr. Franco, you know, we'll come up with the list of who we're going to have and get 'em all in the room and let's --

COUNCILMEMBER COCHRAN: Okay.

CHAIR COUCH: --go over it. Yeah?

COUNCILMEMBER COCHRAN: And officially, they'll be on the TIG per se?

CHAIR COUCH: No, they'll be resources to the TIG.

COUNCILMEMBER COCHRAN: Just, oh, just resources to the TIG.

CHAIR COUCH: Yeah.

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MR. HOPPER: You wouldn't really have the authority to, that I can think of really, force those groups to show up and I don't know if there's any type of a quorum but, I mean, which is to say the authority under the Sunshine Law is generally to designate which Councilmembers will actually --

CHAIR COUCH: Right.

MR. HOPPER: --be assigned by the Committee to investigate the matter. And then, of course, those, that TIG can decide to have the participation of whomever they would like, to come in and investigate.

CHAIR COUCH: Yeah.

MR. HOPPER: It wouldn't be a matter, though, of this body, saying that a particular group would have to serve on the TIG necessarily because that's really not something under the Sunshine Law that they would be doing. They would be assigning which members of the Committee, because that's the whole purpose of the Sunshine Law exception is to assign members of a board or a commission, or in this case, the Committee, to do a certain thing. So that's what it would be and the participation of other outside groups, that's generally going to be through, if you want to include them or send a notice to them or whatever method, but they generally wouldn't be actually one of the groups assigned because I don't think the Council Committee would be able to really require that, that of them.

COUNCILMEMBER COCHRAN: Okay.

CHAIR COUCH: Yeah.

COUNCILMEMBER COCHRAN: Fine.

CHAIR COUCH: Does that help?

COUNCILMEMBER COCHRAN: Yes.

CHAIR COUCH: Okay. Ms. Baisa?

COUNCILMEMBER BAISA: Okay, let's get this crystal clear 'cause this was the question I asked in the beginning. These groups will come but they come as resources?

CHAIR COUCH: Yes.

COUNCILMEMBER BAISA: They have no votes.

CHAIR COUCH: Well, there's no real votes in the TIG anyway --

COUNCILMEMBER BAISA: Well --

COUNCILMEMBER WHITE: Right.

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COUNCILMEMBER BAISA: --you know --

CHAIR COUCH: Right.

COUNCILMEMBER BAISA: --who's gonna decide? If the three Councilmembers on the TIG don't agree to what is going out of the TIG, how is it, how is the report gonna be done?

CHAIR COUCH: We can, as members of the TIG, I believe we can say...that's a good question. I don't know that there's a lot of voting. I can't remember how we did the ...

COUNCILMEMBER BAISA: Consensus?

COUNCILMEMBER WHITE: No.

COUNCILMEMBER BAISA: But, you know ...

COUNCILMEMBER WHITE: For the report to come from, to report out from the TIG, there is a vote.

COUNCILMEMBER BAISA: Yes, has to be.

CHAIR COUCH: Right.

COUNCILMEMBER WHITE: And so it would require two out of the three voting members.

COUNCILMEMBER BAISA: Yeah, that's my recollection.

CHAIR COUCH: Right.

COUNCILMEMBER WHITE: And I don't believe we're restricted to having the TIG makeup of just Councilmembers. I think it's, and maybe--I see Mr. Hopper jumping forward--maybe he's got a different take on it but when we had the earlier TIG on RPT, we had a number of people come in as resource people.

CHAIR COUCH: Right.

COUNCILMEMBER WHITE: I don't, we didn't assign them as members or as voting members but I'm not sure that we're precluded from doing that.

MR. HOPPER: I'm not familiar with doing that and generally wouldn't advise doing that because if you're gonna...it's a situation where you really, you don't necessarily have the commitment of anybody there. If you're actually, if the body is actually voting for itself to do something, it can actually, as a body, will the body to do that, but it's, I just think it's a very awkward situation if you're assigning other people that aren't on the Council or have no idea if they're going to be able to show up or have any commitment whatsoever to assign to the TIG. The Sunshine Law does not say who would be assigned. It talks about, if you're going under HRS 92, it only talks about

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assigning members of the actual board or commission to do the item. It does not talk about any assignments of other people to also investigate that. And, to me, the Sunshine Law does not contemplate, which is what this action today is, is under HRS 92, to assign members to do a certain thing or investigate a certain item, it only deals with board or commission members, which is this case would be the members of the Committee. So that's what the HRS says.

CHAIR COUCH: Chair White?

COUNCILMEMBER WHITE: I think the HRS says that because the main focus is the Sunshine Law and these types of groups are authorized on a very limited basis so it's less than a quorum and so forth.

CHAIR COUCH: Right.

COUNCILMEMBER WHITE: The fact that it's, it may be silent on non, in our case, Councilmembers, I'm not sure precludes us from having them as part of the TIG but maybe our Staff can take a deeper look at that.

CHAIR COUCH: Let me ask this of whomever. If we have whoever we, what members are the members of the TIG, can they then say, okay, we want to add, you know, Mr. Franco, we wanna add FACE, we wanna add so and so to be part of the, a voting member of the TIG? Can that be done or does it have to be done in a meeting like this?

MR. HOPPER: I'd have to look into that, Mr. Chair. I would, again, I would advise against that. The item posted today, as my understanding, is to assign which Committee members will be assigned to investigate these items.

COUNCILMEMBER WHITE: I think, once assigned, the members can decide, once in the TIG --

CHAIR COUCH: Sure.

COUNCILMEMBER WHITE: --whether we have --

CHAIR COUCH: 'Cause it's an informal ...

COUNCILMEMBER WHITE: --the authority to move ahead with them as members or just --

CHAIR COUCH: Right.

COUNCILMEMBER WHITE: --resource people.

CHAIR COUCH: Right. I think that's a valid comment.

COUNCILMEMBER WHITE: Sometimes I come up with them.

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CHAIR COUCH: Okay, any other questions? Any volunteers to be on the TIG?
Ms. Cochran?

COUNCILMEMBER BAISA: I'm willing to serve.

CHAIR COUCH: Okay. Chair White?

COUNCILMEMBER WHITE: I'm okay.

COUNCILMEMBER COCHRAN: I guess that's why we're here.

COUNCILMEMBER BAISA: That's why we're here.

CHAIR COUCH: Yeah. And Ms. Crivello, right? Ms. Crivello said she wanted to be, which she's non-voting member of this Committee. On the TIG, she can certainly ...

COUNCILMEMBER COCHRAN: Okay, I guess, don't wanna talk around in circles. Then that means she will be non-voting on the TIG, being she's non-voting on this Committee?

CHAIR COUCH: Okay, I can see that. I can see that.

COUNCILMEMBER COCHRAN: I mean, I'm just saying she's still a Councilmember --

CHAIR COUCH: Yeah.

COUNCILMEMBER COCHRAN: --she's still votes --

COUNCILMEMBER WHITE: That's right.

CHAIR COUCH: That's a good point.

COUNCILMEMBER COCHRAN: --at full Council --

CHAIR COUCH: She ...

COUNCILMEMBER COCHRAN: --on this Committee --

CHAIR COUCH: Right.

COUNCILMEMBER COCHRAN: --even though she's not, so if...out...in a TIG formation, does that, you know --

CHAIR COUCH: Right.

COUNCILMEMBER COCHRAN: --what I'm saying? She's still a Councilmember who can vote I would suspect.

COUNCILMEMBER WHITE: But she can't vote.

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COUNCILMEMBER COCHRAN: Here.

COUNCILMEMBER WHITE: I don't think she can vote on the TIG --

CHAIR COUCH: Okay, that's fine.

COUNCILMEMBER WHITE: --because the TIG comes to the Committee first --

CHAIR COUCH: Sure.

COUNCILMEMBER WHITE: --and then it goes to the Council.

COUNCILMEMBER BAISA: Chair?

CHAIR COUCH: Yeah?

COUNCILMEMBER BAISA: If you further down into your general rules, where it says, the physical presence of two TIG members for a discussion called and convened by the Chair shall constitute a quorum. So it's --

CHAIR COUCH: Right.

COUNCILMEMBER BAISA: --pretty clear who, I mean, who votes and who doesn't, you know. And two affirmative votes shall be required to establish a recommendation of the TIG.

CHAIR COUCH: Right.

COUNCILMEMBER BAISA: So there has to be a structure here.

CHAIR COUCH: Right.

COUNCILMEMBER BAISA: And the structure to me is we have three voting Councilmembers and one who is a non-voting member.

CHAIR COUCH: Right.

COUNCILMEMBER BAISA: And that's it. All these other people can come and be part of it but they're not voting members, the way I read this.

CHAIR COUCH: That it correct.

COUNCILMEMBER BAISA: And that is how I think we did the last one that I was involved in with the ag, the tax--Mike, you were on it too, right? Yeah.

CHAIR COUCH: Okay, so you three are volunteering?

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COUNCILMEMBER COCHRAN: Yes.

COUNCILMEMBER WHITE: With one caveat.

COUNCILMEMBER BAISA: Yeah.

CHAIR COUCH: Yes?

COUNCILMEMBER WHITE: Ms. Cochran's staff has been digging into this.

CHAIR COUCH: Yes.

COUNCILMEMBER WHITE: Ms. Baisa has been in this longer than me. And you're the Chair of the Committee and I think it's probably best that it be the three of you rather than the three us.

COUNCILMEMBER BAISA: And I'm willing to step back if you want to be on it.

CHAIR COUCH: I would like to be on it but I...you too, your staff, my staff, have been digging deep into this and you have got some history so, unfortunately ...

COUNCILMEMBER BAISA: I am the living history. That's what happens when you're about to be 76. It's such a big deal that the whole State is going to celebrate my birthday on August 13th.

CHAIR COUCH: Oh, there you go. Yes, everybody gets a holiday on that date. Okay, so then, Ms. Cochran, Ms. Baisa, Ms. Crivello and me will be --

COUNCILMEMBER COCHRAN: Okay.

CHAIR COUCH: --on the TIG.

COUNCILMEMBER COCHRAN: That's fine.

CHAIR COUCH: Which one of you two wanna chair it? Ms. Cochran?

COUNCILMEMBER BAISA: Ms. Cochran has the staff. I think it'd be --

CHAIR COUCH: Yeah.

COUNCILMEMBER BAISA: --very helpful.

CHAIR COUCH: Are you okay with chairing the TIG?

COUNCILMEMBER COCHRAN: Sure.

CHAIR COUCH: Okay. I think that's it. We have in this, the letter I sent to you, it incorporates the letter that Mr. Spence sent to us but it also has a few other things

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involved in there as well. So the idea is to get five of these, no more than five, it says at least five, but I think no more than five, that we need to bring to this Committee and say, these things we can discuss and we can do 'em now, let's get the people that, in here and get it on public record and get as much testimony as we can, okay? Does anybody have any issues with that? If, is there any further thoughts or discussion on this? Ms. Cochran?

COUNCILMEMBER COCHRAN: Chair? The TIGs, are they ever televised?

CHAIR COUCH: Can be. It's expensive.

COUNCILMEMBER COCHRAN: Right, I know it's all a budgetary --

CHAIR COUCH: Yeah.

COUNCILMEMBER COCHRAN: --item.

CHAIR COUCH: If we have money in the budget, I'm fine, if *Akaku* can come. I mean, it can be held wherever, wherever --

COUNCILMEMBER COCHRAN: Right.

CHAIR COUCH: --there's room enough for everybody, to be little less formal than this.

COUNCILMEMBER COCHRAN: Right. And we are planning to have it in this room?

CHAIR COUCH: No, we --

COUNCILMEMBER COCHRAN: Cannot?

CHAIR COUCH: --wanna together so we can talk around a table and get everybody huddled up.

COUNCILMEMBER COCHRAN: Where did you folks do the affordable stuff? The TIG you folks you were on, Mr. White?

COUNCILMEMBER WHITE: Yeah, I would recommend not focusing on televising it because the, for me, the rationale for doing a TIG is so that you can get through a lot of material quickly.

CHAIR COUCH: Quickly, right.

COUNCILMEMBER WHITE: You don't have to, you know, these meetings cost us --

CHAIR COUCH: Six hundred and some dollars.

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COUNCILMEMBER WHITE: --six hundred and some dollars each time for a meeting. So I would recommend against it because all of this, all the real meat of the discussion is going to come back and be presented --

CHAIR COUCH: Correct.

COUNCILMEMBER WHITE: --to the --

CHAIR COUCH: That's my --

COUNCILMEMBER WHITE: --overall Committee anyway.

CHAIR COUCH: --my thought is when we get the items, we're gonna be here and everybody and their brother is going to be --

COUNCILMEMBER WHITE: Right.

COUNCILMEMBER COCHRAN: Okay.

CHAIR COUCH: --and televised.

COUNCILMEMBER COCHRAN: Right. Okay, and yeah, and I understand that on the County's perspective. But, Chair, as fellow *Akaku* --

CHAIR COUCH: Yeah.

COUNCILMEMBER COCHRAN: --*Akaku*ians, whatever we are, you know, being board members and producers and --

CHAIR COUCH: Right.

COUNCILMEMBER COCHRAN: --what have you, an *Akaku* producer could --

CHAIR COUCH: Sure, absolutely.

COUNCILMEMBER COCHRAN: --publically film it, edit, and put it on air on their behalf, so to speak?

CHAIR COUCH: Sure.

COUNCILMEMBER COCHRAN: Okay. So I mean if ...

CHAIR COUCH: I see no problem with that.

COUNCILMEMBER COCHRAN: Okay, just, versus tax the County --

CHAIR COUCH: Right.

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COUNCILMEMBER COCHRAN: --money, for it, yeah. So that's ...

CHAIR COUCH: But it can't get in the way of us getting in there, I mean, you know, they can't say, oh, I gotta change tapes or, I don't know if --

COUNCILMEMBER COCHRAN: No.

CHAIR COUCH: --they have tape anymore.

COUNCILMEMBER COCHRAN: Well, but anyway.

CHAIR COUCH: I think they're --

COUNCILMEMBER COCHRAN: Just a thought.

CHAIR COUCH: --flashcards, I don't know.

COUNCILMEMBER COCHRAN: I mean, just, yeah, no, just a thought. Thank you.

CHAIR COUCH: Yeah, understood. Any other comments, discussion? Alright, so, if not, I'll make a recommendation.

COUNCILMEMBERS: Recommendation.

CHAIR COUCH: Alright. The Chair will entertain a motion to establish a temporary investigative group of the Planning Committee, as authorized by Section 92-2.5, Hawaii Revised Statutes, having the purpose, scope, and membership as set forth in the legislative proposal dated July 13, 2016, having the following members: Councilmember Cochran as the Chair, Councilmember Couch as a Member; and Councilmember Baisa as a Member; and Councilmember Crivello as a Member, with its report due on or before August 18, 2016; and full discussion of the report on September 1, 2016; and the TIG will dissolve automatically on November 30, 2016.

COUNCILMEMBER WHITE: So moved.

CHAIR COUCH: That's the motion.

COUNCILMEMBER WHITE: So moved, Chair.

COUNCILMEMBER COCHRAN: Second.

CHAIR COUCH: Okay.

MR. GARNEAU: Chair, excuse me.

CHAIR COUCH: Yes?

MR. GARNEAU: Can I just clarify that Councilmember Crivello is a non-voting member --

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CHAIR COUCH: Correct.

MR. GARNEAU: --in the motion?

COUNCILMEMBER WHITE: Right.

MR. GARNEAU: Okay.

COUNCILMEMBER BAISA: Chair?

CHAIR COUCH: Okay. Any further discussion?

COUNCILMEMBER BAISA: I'm looking --

CHAIR COUCH: Yes?

COUNCILMEMBER BAISA: --at the rules that you, and what we have before us.

CHAIR COUCH: Okay.

COUNCILMEMBER BAISA: In the proposal to form this thing and the things we're gonna do and all that, it talks about a chair, it talks about a vice-chair.

CHAIR COUCH: Yeah, we discussed that. If the Members don't mind, because this is part of the record, we removed the vice-chair and just make it Member.

COUNCILMEMBER BAISA: Oh, that's fine.

CHAIR COUCH: If, yeah ...

COUNCILMEMBER COCHRAN: That's fine.

COUNCILMEMBER BAISA: No, that's a good idea.

CHAIR COUCH: Yeah.

COUNCILMEMBER BAISA: Somebody can --

COUNCILMEMBER COCHRAN: Yeah, I'll be here.

COUNCILMEMBER BAISA: --substitute in the case --

CHAIR COUCH: Yeah.

COUNCILMEMBER BAISA: --something happens. Okay, that's fine.

CHAIR COUCH: So without any objections, we'll make that change to the motion.

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COUNCILMEMBER COCHRAN: Yeah, no objections.

CHAIR COUCH: Okay. Alright.

COUNCILMEMBER BAISA: One last thing.

CHAIR COUCH: One last thing.

COUNCILMEMBER BAISA: Well, because I was in one before and, you know, that's kind of ringing a bell now that I'm thinking about this seriously. One was, we had assistance from Council Services. Are we gonna--

CHAIR COUCH: I'm hoping we can get that.

COUNCILMEMBER BAISA: -- have that again?

CHAIR COUCH: I'm hoping we can get that. If I can get some assurances from the Chair of the Council.

COUNCILMEMBER WHITE: We would be happy to provide the support, and I'm sure that Ms. Cochran will have some additional support from her own staff.

CHAIR COUCH: Right.

COUNCILMEMBER BAISA: I think it was really important, Chair, we had a staff member who was one of the legal analysts or one of the attorneys. And while she didn't give legal advice, you know, at least she was there to kind of make us aware of anything we needed to be aware of.

CHAIR COUCH: We'll see if we can add to Mr. Garneau's burden.

COUNCILMEMBER BAISA: Well since we're all going to be working like crazy to meet --

CHAIR COUCH: Yeah.

COUNCILMEMBER BAISA: --an 18th deadline --

CHAIR COUCH: Yeah.

COUNCILMEMBER BAISA: --I think that's what it's going to take.

CHAIR COUCH: Yeah, and Members, I realize we are going to be on the mainland, most of us. Are you? I'm not sure. *[Note: Member Cochran shook her head.]* Okay, you can start gathering your, the folks, and get everybody, get a meeting set. And you know, if we can get a day--I know the first week of August, I believe we have Committee meetings, I'm not sure. But if we can get a day even, you know, afternoon into the evening, I'm available for that. I don't know if Ms. Baisa is but if ...

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COUNCILMEMBER BAISA: Depends on the evening.

CHAIR COUCH: Right. The closer, I mean, the more we can do and once in, as few sessions, the longer sessions, the better. That way everything's fresh in everybody's mind.

COUNCILMEMBER COCHRAN: Uh-huh.

CHAIR COUCH: Okay?

COUNCILMEMBER COCHRAN: Okay.

CHAIR COUCH: All right. Cool. Any further discussion? Okay. All those in favor of the motion, please say "aye".

COUNCILMEMBERS VOICED AYE.

CHAIR COUCH: Opposed? Let the record show the motion carries with four "ayes," zero "noes," and three excused, Member Victorino, Member Guzman and Member Carroll.

**VOTE: AYES: Chair Couch, Councilmembers Baisa, Cochran,
 and White.**

NOES: None.

ABSTAIN: None.

ABSENT: None.

**EXC.: Vice-Chair Carroll, Councilmembers Guzman
 and Victorino.**

MOTION CARRIED.

**ACTION: APPROVE PROPOSAL TO ESTABLISH A TEMPORARY
 INVESTIGATIVE GROUP.**

CHAIR COUCH: All right, Members, thank you very much.

ACTION: DEFER.

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CHAIR COUCH: I look forward to a, working on this and coming up with a good list of things that we can just really vet out in this Chamber, in public, with as many folks as possible so and I'm imploring you when Ms. Cochran calls you, all those of you out there that are watching on TV land and here in the gallery, please get in touch with Ms. Cochran and let's get a date that we can all get there. So, with that, I believe...any other further comment? Seeing none, thank you very much, Staff and Members, for being here. This meeting is adjourned. . . . (*gavel*) . . .

ADJOURN: 2:36 p.m.

APPROVED BY:



DON COUCH, Chair
Planning Committee

pc:min:160719:alp

Transcribed by: Annette L. Perkett

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CERTIFICATE

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

DATED the 5th day of August, 2016, in Haiku, Hawaii.


Annette L. Perkett
Annette L. Perkett