

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

**MINUTES**

**September 6, 2016**

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

**CONVENE:** 9:04 a.m.

**PRESENT:** Councilmember Michael P. Victorino, Chair  
Councilmember Don Couch, Vice-Chair  
Councilmember Gladys C. Baisa, Member (Out 12:03 p.m.)  
Councilmember Robert Carroll, Member  
Councilmember Elle Cochran, Member  
Councilmember Stacy Crivello, Member  
Councilmember Don S. Guzman, Member (In 10:10 a.m.)  
Councilmember Mike White, Member (In 9:14 a.m.)

**EXCUSED:** Councilmember Riki Hokama, Member

**STAFF:** Kimberley Willenbrink, Legislative Analyst  
Sharon Brooks, Legislative Attorney (In 10:32 a.m.)  
Tammy M. Frias, Committee Secretary  
  
Ella Alcon, Council Aide, Molokai Council Office (via telephone conference bridge)  
Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)  
Dawn Lono, Council Aide, Hana Council Office (via telephone conference bridge)

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

**OTHERS:** Kevin Wuertz (Item PIA-3(2))  
Dave DeLeon, REALTORS® Association of Maui (Item PIA-3(2))  
Mike Moran, President, Kihei Community Association  
Albert Perez, Director, Maui Tomorrow  
Lucienne de Naie  
Lawrence Carnicelli (Item PIA-3(2))  
Rosemary Robbins (Items PIA-4(2))  
Dick Mayer

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

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CHAIR VICTORINO: . . .(gavel). . . Good morning. The meeting of the Policy and Intergovernmental Affairs Committee will now come to order. Before we get started I would like to ask everyone to either turn their cell phones off or put it on silent.

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Decorum will be carried forward in the Chamber and thank you 'cause I'm reminding myself right now to turn off. Okay, and there we go. Okay. Thank you very much for your cooperation. I'd like to introduce the Members that are present at this time. I am the Chair, Michael Victorino. The Vice-Chair of the Committee from South Maui, Mr. Don Couch.

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

CHAIR VICTORINO: Good morning, sir. Our East Maui Representative, Mr. Robert Carroll.

COUNCILMEMBER CARROLL: Good morning, Chair.

CHAIR VICTORINO: Good morning, sir. Our lovely young lady from Upcountry, Ms. Gladys Baisa.

COUNCILMEMBER BAISA: Good morning, Chair.

CHAIR VICTORINO: Thank you. And our other lovely, young lady from West Maui, Ms. Elle Cochran.

COUNCILMEMBER COCHRAN: Aloha. Good morning, Chair.

CHAIR VICTORINO: And I will remind everyone when you see Elle's hand up it doesn't mean that she's asking a question. When the two hands go up that's a question. But congratulations and thank you for being back and I hope every...you get a speedy recovery 'cause I know how it is to be a little disabled. Our lovely young lady from Molokai, Ms. Stacy Crivello.

COUNCILMEMBER CRIVELLO: Good morning, Chair.

CHAIR VICTORINO: Good morning. At this time, excused for the day is Riki Hokama. He was unable to attend, and the other two, the Vice-Chair of the Committee [*sic*] Don Guzman and Mr. White the Chair of the Council both of them will be a little late so we will welcome them when they arrive. From the Administration First [*sic*] Corporation Counsel, Mr. Ed Kushi.

MR. KUSHI: Good morning.

CHAIR VICTORINO: Good morning. Our invaluable Staff Ms. Kim Willenbrink our Legislative Analyst.

MS. WILLENBRINK: Good morning, Chair.

CHAIR VICTORINO: And our wonderful Committee Secretary, Ms. Tammy Frias. Now, we'll check with our District Offices to make sure they are all connected 'cause we were having some technical problems this morning and that's why we were a little bit late.

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We started at 9:04. From our Hana Office Dawn Lono. Dawn, good morning, are you there?

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

CHAIR VICTORINO: Good morning. And our lovely lady from Lanai Denise Fernandez. Denise, good morning, are you there?

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

CHAIR VICTORINO: Okay. And finally we will go to our Molokai Office the wonderful Ella Alcon. Ella, are you there?

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

CHAIR VICTORINO: Great. We have everyone connected. Today we have a very, again, aggressive agenda. We have the 2017 HSAC, Hawaii State Association of County Officials and the Maui County Legislative Package are brought forward. We have 10 items on the HSAC package and we have 12 on the Maui County agenda aside. So I would ask all of you to look at the 2 and they mirror each other very closely. There's a couple that are not on the HSAC side that is on the Maui County end and we will discuss both separately. And as we go, if I think we cover an area real well in one area, I mean in one like in the HSAC package, when we come over to Maui if we got to discuss it again I'd like to try to limit that because I think we should cover it all under one package. So I just want to make sure we get that clear. HSAC has hired someone to do public relations for us and this is why this package meeting is so important because on our September 26, 2016 Executive Committee we are hoping to formulate what I call our HSAC package for this upcoming Legislative Session. Council has acted on the HSAC package must be completed by September 16<sup>th</sup>'s meeting, the Council meeting, so that it meets the HSAC deadline for proposals. You have little more, we have a little more in the Maui County package so we'll move along on that and that I request proposals, I had requested proposals no later than October 3<sup>rd</sup> so you still have a chance if you want to put anything in the Maui package. For resolutions that are different we will discuss them well and more than those that are very similar or identical. Finally, we have a lot to get through today so I would like to get started with public testimony if there is no objections.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR VICTORINO: Thank you very much. Again, public testimony will be limited to the agenda items today. So please state clearly which agenda item that you are referring to. You will be limited to three minutes. Two and a half minutes the yellow light will come on and at the three-minute mark the red light will start blinking. I will ask you at that point to conclude with one final statement and the final statement is no longer than two sentences. I will ask you also to state your name and organization that you are representing. So we will start with those that have signed up in the Chamber for

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testimony. Ms. Willenbrink, will you announce the first testifier in the Chamber and who is right after that person.

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

MS. WILLENBRINK: Yes, thank you, Chair. The first person signed up to testify is Kevin Wuertz. Kevin will be followed by Dave DeLeon.

CHAIR VICTORINO: What was the name again Kevin what?

MS. WILLENBRINK: Wuertz I believe.

CHAIR VICTORINO: Wuertz, okay. Thank you. Thank you. Wuertz? Okay, Kevin? Yeah, Kevin, yeah, I think you're new. You come up to the podium here and as soon as the green light goes on you can start your public testimony. Go ahead, Mr. Wuertz.

MR. WUERTZ: Good morning. I'm testifying on PIA-3(2) and the reason I'm testifying is the dollar amount that we are proposing to create a tax on is really too low. At \$700,000 for a home you're talking about actually a very modest home here in Hawaii. You're talking about as far as properties on this island that are \$700,000 or less or in all of Maui County for that matter, you're talking about 195 homes in this entire County right now. And while 1 percent might not seem like very...not homes total, homes that are for sale, that are currently for sale, so while 1 percent might not seem like a big deal I think you'd need to actually consider raising that dollar amount and doing it on more expensive homes, luxury homes that the people that actually live and work here aren't going to be able to purchase. Not that a \$700,000 home is easy to purchase by any means but I think that we need to reconsider that amount. I applaud Elle Cochran on trying to create more funds for affordable housing here but I think we need to look at that a little more closely. I think the real thing that we need to consider here is not so much the affordable housing but people not being able to afford housing and that's more of a matter of income levels, and I think a lot of that has to do with underemployment by people and that's a matter of legislation that's currently out there. You've got a lot of people that have to work two or three part-time jobs because currently there's legislation on the books that does not make it conducive for employers to hire people fulltime and give them a livable wage. You'll see that in both legislation whereas people that would like to own restaurants have to have food trucks instead of having restaurants. You see that with people having to, you know, maybe they're a school teacher by day, they're cleaning vacation rentals in their spare time. And I think that we are putting a Band-Aid on something that's really a bigger problem. So I think my time is up and I appreciate the time. Thank you.

CHAIR VICTORINO: Thank you, Mr. Wuertz. Questions for the testifier? Yes, Ms. Baisa and then Mr. Couch.

COUNCILMEMBER BAISA: Thank you very much, Chair. And thank you for being here. I'm curious if you feel that the 700 is too low, what do you think is appropriate?

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MR. WUERTZ: My personal opinion would be that if you're going to levy a tax like this that it needs to discourage people that are coming from the mainland that are buying homes that we would prefer our residents to own. And so it needs to be considered a luxury amount. So that might be \$2 million, maybe it's \$5 million, I don't know that exact amount but that's something that we need to look at. If you look at places like Bermuda for example, there are homes there where they tax people coming from the outside at a much higher amount than the local populous and it allows people that live there to buy a home for 200,000 or \$300,000. Whereas someone coming there for the tax breaks that has a tax haven to own a home are going to pay \$5 million for a home. So, you know, we need to put our people first and this isn't doing it.

COUNCILMEMBER BAISA: Well, we totally agree with you. Thank you. Thank you for your answer.

MR. WUERTZ: Thank you.

CHAIR VICTORINO: Mr. Couch?

VICE-CHAIR COUCH: Ms. Baisa had the same question I had.

CHAIR VICTORINO: Okay, and that was the same question I had so that was three of the same questions.

MR. WUERTZ: Thank you.

CHAIR VICTORINO: So kill one bird with three questions, one question with three birds. There you go. Any other questions for the testifier? Seeing none, next testifier please.

MS. WILLENBRINK: Our next testifier is Dave DeLeon and he will be followed by Mike Moran.

MR. DeLEON: Good morning and aloha. Dave DeLeon speaking for the REALTORS® Association of Maui on items 3(2) number 2, 3, 5, 8, 9 and 4(2) no. 10.

CHAIR VICTORINO: You not going take five minutes on each one, I mean three minutes on each one right?

MR. DeLEON: No.

CHAIR VICTORINO: Okay.

MR. DeLEON: I'll move along but I just wanted to let you know that it's more than just one item.

CHAIR VICTORINO: Yes, go ahead.

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MR. DeLEON: On the TAT we stand with you. We agree with the Council's and the County's position that we're being shortchanged. And given the State's billion dollar excess that kind of suggests that, you know, that's good evidence that we are being shortchanged. So yes we do support the Council on that item. We also support the item...the items related to Chapter 92. I've always felt that the State law has misconstrued the councils, the county councils as administrative boards and treats them like administrative boards when they should be treated like Legislators and given the powers and capacities that Legislators should normally have. In reference to no. 8 Important Ag Lands, if we're going to be able to get a handle we've got to save our ag lands then we need to know where they are. I mean we need to be able to identify the important ones and then work backwards. Our association spent a lot of time trying to talk about properties that are being treated as ag lands which are really rural but you're not really going to get to that...to resolve that issue until you get to identifying what's important. So the first step is identifying the Important Ag Lands, and the State Constitution requires that and it's like since like '78 I believe is when it was put in the Constitution and here we are we're still fooling around with where's the Important Ag Lands. It's sort of like Where's Waldo. On the Conveyance Tax question good luck. Number one the price is set too low so you are going to be affecting local families, and it's really close to the median price of the sales now. So and every year there's at least two or three folks with really...or programs with really good compelling issues that want to tap into the Conveyance Tax 'cause that is the cash cow that everybody goes to. You know you don't want to be taxed, I don't want to be taxed so let's tax the other guy. The reality is half of the Conveyance Tax collected today goes to affordable housing. The current Conveyance Tax is tiered so the more expensive houses pay more already. The State has kind of gotten resistant to this whole idea of you can just go to the Conveyance Tax every time. The last time this was really seriously pushed was about 2 years ago with the Kahoolawe, the commission and they made a real attempt to using the Conveyance Tax as well, and that was pretty compelling but it didn't go. So, you know, I'm pretty certain that our State association will resist this because you're just adding to the cost of housing. The last item I wanted to speak to is no. 10 on 4(2), that is really putting on...thank you, Mr. Victorino, for putting this on here. This is a very important bill for affordable housing. We have a problem with the entitlement process already. It takes 10 years to get ag land into housing plus, I mean just the entitlement. And this bill would shorten that by allowing the counties to bring in their general plans and have the LUC, the State Land Use Commission review the whole general plan and adopt it. So you won't be requiring each developer to go hat-in-hand individually and spend a year and a half in front of the LUC every time that they want to do a housing project. This will really reduce the amount of time required to do that. And this bill actually made it to Conference Committee last session and it shows it has legs and if it's got the right coalition underneath of it, it will actually get somewhere and it really will have an impact on housing. Because the one place where government needs to...will really have an impact on housing is to get out of the way and this is one of those bills where you get out of the way in a responsible manner. Mahalo.

CHAIR VICTORINO: Thank you. Questions for the testifier? Seeing none, oh, I'm sorry, Mr. Carroll? You're so quiet there I never noticed.

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COUNCILMEMBER CARROLL: Did you have any written testimony?

MR. DeLEON: I'm sorry, no, this one caught me by a big surprise. You want me to write something up?

COUNCILMEMBER CARROLL: Thank you.

MR. DeLEON: I will. Okay, thank you.

CHAIR VICTORINO: And if you would submit it to the Secretary and then she will make sure everyone gets a copy.

MR. DeLEON: Mahalo.

CHAIR VICTORINO: Okay, no, thank you, Mr. DeLeon. At this time, before I call the next testifier up I'd like to recognize the presence of our Council Chair, Mr. White, thank you for being here.

COUNCILMEMBER WHITE: Good morning, Chair.

CHAIR VICTORINO: Good morning. Okay, go ahead, next testifier please.

MS. WILLENBRINK: The final person signed up to testify here in the Chamber is Mike Moran.

CHAIR VICTORINO: Go ahead, Michael.

MR. MORAN: Good morning, Chair Victorino and Committee Members. Mike Moran for the Kihei Community Association. First, we'd like to commend the Council for allowing citizens access to all the background data online much beyond the basic agenda. This really reduces the challenges for unpaid volunteers to offer informed testimony. Big help to everybody and we really appreciate that. On the two items this morning, overall we believe these packages of Legislature requests offered by our County Legislators to our State ones have merit. And while it is our understanding all you can do is make a request, as the decision is made by them, as volunteer community advocates we believe there is value in offering input to decision-makers, that's why we appear at this podium so often. So this morning we're only going to address just one item and that's item 10 which is appears merely verbatim in both items. The regional district boundary amendments. Our concern is that mass land use changes too often lead to poor planning decisions which may offer entitlements to large landowners. We do not believe it is an overstatement to say our area was poorly planned or as one professional planner phrased it, Kihei was mostly unplanned. A portion of this was caused by taking segmented areas with vastly varied characteristics and topography and infrastructure access ignored and simply zoned for the sake of expediency. One result of this manner of so-called planning was filling in and building in wetlands thus when heavy rain storms in Kula cause silt and debris-filled mass surges of water to

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rush down our gulches without the natural filtering system to hold and cleanse the water, the kai is inundated with this mess turning brown and choking our remaining coral reef system. Further, we believe this proposal would weaken if approved as it is by the State Leg the decision-making of the State Land Use Commission. KCA still strongly recalls it was this Commission which halted a poorly planned and seemingly illegal huge commercial development by a mainland developer which was strongly supported by the County Administration preventing what now appears would have potentially been a catastrophic build out of a wrong project in a wrong location. Please rethink item 10 in your deliberations this morning. Mahalo.

CHAIR VICTORINO: Thank you, Mr. Moran, and I understand sometimes those words just don't roll right off the way we'd like it.

MR. MORAN: Especially after a three-day weekend.

CHAIR VICTORINO: You got it. Thank you. Questions for the testifier? Yes, Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair. And thank you, Mr. Moran, for being here. Do you have that in writing as well?

MR. MORAN: I do not, sir, but I can do just like the previous.

VICE-CHAIR COUCH: Okay.

MR. MORAN: I can send it in to Ms. Willenbrink and get it distributed.

VICE-CHAIR COUCH: So the way I read the changes that are requested, it says that if we, the County, came up with a General Plan, we have urban growth boundaries where we say this is where we have planned our urban growth, that it makes sense to say okay eliminate that layer of bureaucracy because the Council and the County and the community have all said this is where we want our urban growth boundaries. So you're saying that you still don't want that level removed...something that have the State overturns what the community and the Council wants?

MR. MORAN: Well, it's always difficult, Don, to say what does the community want. I know we run into that, you know, it's like well, who says you speak for the community? Well, anybody else wants to step up and help us, we're all volunteers so it's very difficult to say. There's different segments of the community. We try and look at the environmental issues and we see the big challenges that we face and that's our fear that taking a great big chunk of land and saying it's okay to do this. Yeah, sure it's tedious to go through them one by one but we feel that's the better of the two decisions that have to be made.

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

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

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MR. MORAN: Mahalo.

CHAIR VICTORINO: At this time, I'd like to check with our District Offices before we move on to further testifiers in the Chamber. Let's check with our Hana Office. Dawn, do you have anyone wishing to testify? Dawn, are you there? No. Ella, do you have anyone wishing to testify from Molokai?

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

CHAIR VICTORINO: Thank you. Lanai, Denise, do you have anyone wishing to testify?

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

CHAIR VICTORINO: Okay. Let me try Dawn one more time. Dawn, do you have anyone wishing to testify from the Hana Office?

MS. LONO: There's no one waiting to testify in Hana.

CHAIR VICTORINO: Okay, thank you, ladies. Let's proceed in the Chamber, Ms. Willenbrink, please?

MS. WILLENBRINK: Yes, thank you, Chair. The next person signed up to testify is Albert Perez. Albert will be followed by Lucienne de Naie.

CHAIR VICTORINO: Good morning, sir.

MR. PEREZ: Good morning, Chair Victorino. Good morning, Councilmembers. Albert Perez, Maui Tomorrow. And yes it was a Labor Day weekend so I will tell you right up front that this testimony was pretty hastily thrown together based on what I could see. I would like to say that first of all that we are in support of the proposed State bill allocating \$250,000 to the counties to identify Important Ag Lands. We've seen on Oahu the loss of some of the most prime agricultural lands, the Hoopili and Koa Ridge developments, and this proposed funding will help the same thing to be avoidable here on Maui. I also wanted to testify in support of inclusion of a bill to increase revenue for each counties' affordable housing fund through a 1 percent Conveyance Tax. A lot of the comments that I hear when it comes to affordable housing assumes that the market is going to be our savior and I think that the market is actually proving that it's not. If we look at our current affordable housing policy 1 out of 4 homes that the market provides is required to be "affordable" and only half of those are actually affordable for our people who make normal amounts of money. So we're talking about 1 out of 8. I think that this type of a bill that would allow the...some of that Conveyance Tax to go into affordable housing would allow the County to take the bull by the horns and start producing its own affordable housing. I don't think we can rely on the market. The market is producing really expensive homes in Wailea and not for local people. So the other thing that I wanted to talk about was the...there's a bill having to do with the Land Use Commission and this actually goes up...it goes into

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two different items. One is allowing the counties to petition the State Land Use Commission for regional district boundary amendments after adoption of general plan updates. This is a slight revision. The previous House Bill 26-17 was requiring that the general plan go...be submitted to the Land Use Commission. The counties...sorry, the Land Use Commission is already strapped to deal with the number of cases that it gets. If they start having to deal with all the general plan amendments from all the counties they're not going to be able to put the amount of time that they need to, to represent the State interests. They have some Constitutional and statutory duties to represent the State that they would be unable to do in enough detail because of the sheer volume. Also, there are elements of the general plans of the counties that consist of policy statements that are not expressed in land use maps, and it would be inappropriate for the Land Use Commission to be put in the position of having the ability to debate county policy statements in their deliberations. And this goes back to I think the assumption behind this portion of the bill is that the market...if we just get the government out of the way the market is going to solve the problem. I would beg to differ. I think that if we would throw the barn doors open and just let the market work we have all these people coming here from all over the place who have way more money than our people do and we need to...we need to look at some non-market solutions 'cause otherwise the current exodus of working families is going to continue. The second portion of that proposed amendment would provide the Land Use Commission with other options besides just changing the designation back to what it was before in case there isn't compliance, and this is something that we would support. Reverting back to the previous land use may not always be the most appropriate mechanism for addressing violations but there needs to be something. Right now, the Land Use Commission basically isn't enforcing. It's leaving it up to the county, and the county depending on the administration may take it seriously or not. So I believe that this proposed amendment offers a solution and additional tools other than the sledgehammer of reversion. So we support that portion of the proposed bill but not the other one. Thank you.

CHAIR VICTORINO: Thank you. Questions for the testifier? Seeing none, thank you, Mr. Perez.

MR. PEREZ: Thank you.

CHAIR VICTORINO: Next testifier please.

MS. WILLENBRINK: Yes, Chair. The next testifier is Lucienne de Naie. Lucienne will be followed by Lawrence Carnicelli.

MS. de NAIE: Aloha, Chair.

CHAIR VICTORINO: Good morning.

MS. de NAIE: Committee Chair and Committee Members. I am Lucienne de Naie and I'm testifying as a private individual today. But I have to say for folks listening at home what we're talking about today is a legislative package that the counties, each county

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sends over to the Legislature. And every year the counties all try to come up with some common things they can get behind and hopefully some of these bills will pass and these are supposed to be the best ideas that are coming from our counties. Well, this is a wonderful process. I want to address a couple of things today in specific. Number one, the bill that...the portion that a lot of people are talking about which is no. 10 on your list and that is the idea that once we have a community plan or a general plan that has been approved of course it is then just the next step we should just save time and allow the Land Use Commission which normally looks at a case by case of whether this was a good idea to approve these projects for urbanization. We'll just have 'em do like a regional view and kind of a take a stab at just changing everything at once 'cause that will save time for developers. I have to say I was the NGO appointed representative to a State taskforce for a year and a half on improving the Land Use Commission. I represented all the non-governmental agencies in the...organizations in the State of Hawaii. I was a vote of one. I was usually outvoted but this was one of the key proposals that was brought up and the reason it was brought up was for all those good reasons Mr. Couch mentioned that gee we've already made these decisions, everyone's agreed and so we should just move forward and save time and support affordable housing and make everything efficient. Well, that would be great if the decisions that were made in the general plan were really sound planning decisions but I think many of us that served on the General Plan Advisory Committee, the Planning Commission and reviewed these things know that when they get to the rubber meets the road, at the Council, these big planning decisions, what's in the urban, what's not in the urban are political decisions. They're not planning decisions. In fact, I can tell you that if you look at the matrix that the Planning Department prepared to guide the Planning Commission and GPAC and said if a development meets these criteria it is, you know, the right place to urbanize. There were places that didn't meet that at all that are in our urban growth boundaries right now and were never even discussed by GPAC or the Planning Commission. So to say that these places now have been vetted and so that they should be automatically reclassified as Urban land without an in-depth second look at the Land Use Commission, that really is not a sound idea. And I hope people at home will understand what I'm talking about because the way of having two layers of things just like having two bodies in the Legislature is you get that second look which is part of our democracy. And maybe it takes a little bit longer but it's an important part, especially when there's so much pressure to make political decisions when these plans are finally adopted. And I really urge you. I know this has been in the package for years and years --

MS. WILLENBRINK: Three and a half minutes.

MS. de NAIE: --but the reality of it is that it is not really based on sound planning and lots of bad things happen when you don't get that second look and realize that this ...

CHAIR VICTORINO: Ms. DeNaie, can you conclude please?

MS. de NAIE: Yes, I can.

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CHAIR VICTORINO: Thank you.

MS. de NAIE: That this is a process that needs careful consideration. Thank you.

CHAIR VICTORINO: Thank you. Questions for the testifier? Seeing none, thank you very much. Ms. Willenbrink?

MS. WILLENBRINK: Lawrence Carnicelli, followed by Rosemary Robbins.

CHAIR VICTORINO: Thank you.

MR. CARNICELLI: Good morning, Chair. Good morning, Council. My name is Lawrence Carnicelli speaking on behalf of myself. I'm going to be speaking to item no. 9, the Conveyance Tax. I've been a broker for 16 years. I've lobbied at the Capitol for years now on Conveyance Tax. We at the REALTORS® Association of Maui have been studying affordable housing for about 4 years now. So I kind of feel like I'm an expert in this particular item. To me, I would look at this...first off, I'll just say I'll go on the record by saying I'm against this particular proposal. I think that just throwing money at something isn't necessarily the answer. According to the Charter the County sets aside 2 percent of the budget for affordable housing. If I do some rough math that's 14 to \$15 million a year that we've already set aside for affordable housing. How well are we using that particular money right now would be the question. So I guess I want to start there. The Conveyance Tax, 50 percent of the Conveyance Tax already goes to affordable housing. As a testifier earlier said the Conveyance Tax is kind of looked at as this cash cow. It's like going...it sounds really nice to say hey, listen, let's tax these mainland people to put affordable housing for our local residents but unfortunately that's not necessarily how this works. The Conveyance Tax, if you look at this \$700,000 mark, if you do just basic rough math at today's interest rates that's about \$2,800 a month. That's what rent is for a three or four-bedroom house on Maui. So to think this is some rich person's house it just doesn't fly. That's not, you know, the math doesn't make it. So, you know, that's one aspect of this. Also, just the logistics of it. The Conveyance Tax is actually paid by the seller. This proposal has this particular piece being paid by the buyer. So even logistically that's kind of a challenge. Sorry, as a couple other people said, you know, it is Monday here after a long weekend I'm kind of...

MS. de NAIE (from the audience): It's Tuesday.

MR. CARNICELLI: Oh, it is Tuesday isn't it. Sorry, see that's how far off I am. Oh, also the other part too is to call this temporary. There's no such thing as a temporary tax. The Conveyance Tax itself was originally supposed to be a temporary tax and it's now, you know, we're now with it years and years later. So anyways, I just think that there's some fatal flaws to the premise behind it even though it's very well intended. So thank you, Chair.

CHAIR VICTORINO: Thank you, Mr. Carnicelli. Any questions for the testifier?

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COUNCILMEMBER COCHRAN: Chair?

CHAIR VICTORINO: Okay.

COUNCILMEMBER COCHRAN: Chair, I do have a question.

CHAIR VICTORINO: You raising two hands. Okay, got you. Go ahead, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. And good morning, thank you, Mr. Carnicelli.  
The 14 to...did you say 14 to 15 million is generated here in Maui County from our  
Affordable Housing Fund?

MR. CARNICELLI: I just...

COUNCILMEMBER COCHRAN: And I...how did you come to that?

MR. CARNICELLI: If we have a \$700,000 budget, \$700 million budget, 2 percent is...am I  
doing my math wrong, 14 to 15 million?

COUNCILMEMBER COCHRAN: Okay, yeah, alright. I just wanted to know how you got that  
figure but okay. Thank you.

CHAIR VICTORINO: I think I have to make a correction right here.

MR. CARNICELLI: Okay.

CHAIR VICTORINO: We do it off of the Real Property Tax collected.

MR. CARNICELLI: Okay.

CHAIR VICTORINO: Not the budget itself.

MR. CARNICELLI: Got it.

CHAIR VICTORINO: So it's a different figure all around and I'm, you know, I know  
Mr. Couch was chomping at the bits and you're going to have to wait your turn.  
Sorry, Mr. Moran, I know that is wrong. We do it actually off the real property, what  
do you call, certified amount that is...so if, let's say it's \$200 million then the  
2 percent would come off of the 200 million.

MR. CARNICELLI: Yeah.

CHAIR VICTORINO: Whatever the amount is of the certified tax is what we do. Right,  
Mr. Couch?

MR. CARNICELLI: I stand corrected.

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VICE-CHAIR COUCH: That is correct.

CHAIR VICTORINO: Just so that your --

VICE-CHAIR COUCH: It's just under 300 million.

CHAIR VICTORINO: --your numbers would be really skewed in what you're saying.

MR. CARNICELLI: Yeah, exactly very skewed.

CHAIR VICTORINO: Yeah, okay, Mr. Couch, you wanted to add to that?

VICE-CHAIR COUCH: No that was it. It was just under 300 million this year so.

CHAIR VICTORINO: Yeah, so. Yes.

VICE-CHAIR COUCH: That was about 6 million.

CHAIR VICTORINO: So about 6 million.

MR. CARNICELLI: So about 6 million to affordable housing as it stands.

CHAIR VICTORINO: Yeah, that's correct. Not the 12 to 14 you were referring to.

MR. CARNICELLI: Yeah, that was...when I came up with that number in my head this morning, it was pre-coffee that I came up with that number too so.

CHAIR VICTORINO: Well, it's the day after Labor Day and you're still trying to figure what day of the week it is.

MR. CARNICELLI: Oh, man you don't know.

CHAIR VICTORINO: Not a problem. Any other questions for the testifier?

COUNCILMEMBER WHITE: Chair?

CHAIR VICTORINO: And I know you're still learning so no problem. Yes, Mr. White, on the other end of the world. Sorry.

COUNCILMEMBER WHITE: Just for clarification. You had mentioned the figure \$2,800 a month. What was the origination of that number?

MR. CARNICELLI: The origination of that number is a \$700,000 house with 10 percent down gets you at about \$630,000 of mortgage at 3½ percent is between 2,800 and \$2,900 a month.

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COUNCILMEMBER WHITE: Okay, but that doesn't have a specific relationship to the 1 percent, right?

MR. CARNICELLI: Well, \$700,000 is the...where it starts, right? That's... 'cause if we're saying \$700,000 is rich mainland people coming in, I'm just trying to say wait is \$700,000 local people or not. And even when I go to the residential...this, what is it, study that was done with which the REALTORS® Association actually gave, you know, we gave the money or the stats for that, is it feels as though the \$700,000 number was sort of arbitrarily picked. It's more of like the median or the average home price. It's actually higher than that if you take the entire State. So is to say in my mind that, you know, the proposal is 700,000 so I said okay well, how much is a home worth or how much does it cost somebody, you know, that to me \$2,800 a month is that's the fireman, that's the, you know, nurse, that's the bartender, that's the local person.

COUNCILMEMBER WHITE: Okay, so you're not making a direct relationship between the 1 percent cost and the total mortgage?

MR. CARNICELLI: No, no.

COUNCILMEMBER WHITE: Okay, thank you.

MR. CARNICELLI: No, I mean that's the total cost, that's going to raise the total cost of the purchase --

COUNCILMEMBER WHITE: Right.

MR. CARNICELLI: --but I'm just trying to say okay in my mind I was saying like okay who is it that can afford a \$700,000 house? It's like well, if you have two-income family which is what most of us are that's unfortunately, you know, maybe it's just above what the gap is in affordable housing, you know, the 2.96 unfortunately it's almost affordable.

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

CHAIR VICTORINO: Any other questions for the testifier? Seeing none, thank you, Mr. Carnicelli, for being here. Next testifier please.

MS. WILLENBRINK: Our next testifier is Rosemary Robbins. Rosemary will be followed by our final person signed up in the Chamber to testifier, Dick Mayer.

MS. ROBBINS: Good morning, everybody. Rosemary Robbins, concerned citizen. Heard from a lot of concerned citizens over the weekend, that 3½ days off gave us a chance to be out there more than we ordinarily would be. And it brings me this morning to draw to your attention what happened on Sunday morning when people were at home but the sun was out. So thank God. We were no longer under that weather threat. And *The Maui News* had a thought for today, don't leave inferences to be drawn when evidence can be produced. And part of what Lucienne was just talking about, she

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mentioned that we need to be aware of political motives rather than necessarily good government motives that motivate people to say what they're going to say. So thank you for having said that. I certainly endorse that, Lucienne. And I certainly endorse what our newspaper is telling us, where's the evidence, because if people are going to just say things without being able to back it up something is wrong with that system. When we discover that we had documents that were left for a quarter of century with no signatures on them, where was the showing of that meeting ever having taken place? They couldn't answer that when people were asking. So it's a valid question I'm sure. I would like to draw your attention to Page 4 of today's agenda, item 8 and it's a recommendation for including in the legislative package from Maui heading over to the State to allow persons with disabilities to indicate on their identification cards what their disability is. People are going to want to know does that mean allow or must. So the verb in there is allow. You might want to have not must put in parenthesis afterwards so that's going to be in the record 'cause there are people who are afraid of their health issues being romped around in the public. So a valid concern on that. So that's item 8 on PIA-4(2). And then over on Page 5 also the same issue and the item is on 12. And I don't know anybody who isn't in favor in the public at large in having greater sun in the Sunshine. We've heard that for so long. And the way this one is written it says a bill act relating to community meetings. I certainly would be in favor and I think so would a lot of people be in favor of having our County Councilmembers being able to be there to attend and that's the verb that this is written in. It allows members, I'm reading from this now, allows members of a county council to attend meetings as described in the Subsection E above without a limitation on the number of participants. They'd love to see you out there in attendance making sure that this is not a case of speaking which quickly becomes a politic. So you might want to take a look at that verb in there and make sure that that clears that up for history. Let the evidence show that. Thank you.

CHAIR VICTORINO: Thank you, Ms. Robbins. Any questions for the testifier?

COUNCILMEMBER COCHRAN: Chair?

CHAIR VICTORINO: Yes, Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. Thank you, Ms. Robbins, for being here.

MS. ROBBINS: You're welcome.

COUNCILMEMBER COCHRAN: Sorry, can I get clarification in regards to your comments about the disability issue? You were saying allow and must, the words. So where...how are you addressing that in that or referencing --

MS. ROBBINS: Thank you for ...

COUNCILMEMBER COCHRAN: --the word allow and must? I was just trying to follow.

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MS. ROBBINS: There are people who receive a diagnosis where even their families don't know about it. They don't want that to have to be in a record, right. So certainly in terms of it's a fact but maybe a fact to be not shared around. So to watch the verb that goes in on that. To allow that, yeah, but not out for the whole world to know.

COUNCILMEMBER COCHRAN: Okay, so thank you. So I guess then just that you are in favor of current language then to allow this.

MS. ROBBINS: Providing it doesn't become required.

COUNCILMEMBER COCHRAN: Okay.

MS. ROBBINS: Yeah.

COUNCILMEMBER COCHRAN: Okay, very good.

MS. ROBBINS: Okay.

COUNCILMEMBER COCHRAN: Thank you for that clarification --

MS. ROBBINS: You're welcome.

COUNCILMEMBER COCHRAN: --Ms. Robbins.

MS. ROBBINS: You're welcome.

COUNCILMEMBER COCHRAN: Thank you, Chair.

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

MS. ROBBINS: You're welcome.

CHAIR VICTORINO: Next testifier please.

MS. WILLENBRINK: The final person signed up to testify in the Chamber is Dick Mayer.

MR. MAYER: Good morning, Councilmembers and Chair Victorino. My name is Dick Mayer. I'd like to testify on both the County and the State items on your agenda. First of all, I want to applaud you for bringing several of these items forth. There are a number of very, very good items on your agenda and I would just quickly endorse a number of them as being very, very progressive and timely things. To attend community meetings, Gladys Baisa and I have talked about this many, many times over the years. We hold community meetings, many of the communities hold what are called educational meetings where they talk whether it be water or drainage issues or traffic or whatever it is and we have speakers on homelessness, affordable housing, et cetera. And it's wonderful when we see Councilmembers in the audience there just to learn.

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And I would hope that the State Legislature will allow you to, what would seem at this time to be a violation of the Sunshine Law, would allow you to attend those meetings. You're not decision-makers. You're not even discussing the item. You're listening and learning from the community which is exactly the role the Councilmembers should have. And so I hope that you forcefully try to impress that upon each of the Legislators and lobby along with your colleagues on the other islands to get that passed. Other...my list here...other good items, you know, no smoking with kids, young kids in the car, minimum wage raised, identification cards, driver's license, et cetera, et cetera. These are all very, very good resolutions and I hope that you'll work very hard to get these passed. The Important Ag Lands, to try to make sure we protect those with the funding, et cetera, et cetera. But there's one item on the agenda that I would like to speak against, on each of the agendas that I would like to speak against and that's the no. 10 regarding the interaction between the County and the State Land Use Commission. This is one of the most dangerous pieces of legislation if it were enacted and I strongly urge you to drop this from both of the two agendas because I think it has some implications that are very, very serious. Let me go through some of these. As you know I was vice-chair of the GPAC and formally I was also the vice-chair of our local community plan. We develop documents. We recommend them to you. You went ahead and approved them. If this were to go forth broadly stating to the General Plan...the General Plan is never an item that's not in transition. We always have new community plans being developed. We had the Maui Island Plan that took as you know almost a decade from the time it was developed by the department to finally get approved. At what stage is the General Plan going to go to the State Land Use Commission? At the end of each community plan? Just pick a date? Now we have things in our community plans and our general plans that are more than 20-years old that were approved in community plans 20 years ago and they may not be relevant today. If they were to go forth to the State Land Use Commission it would be very awkward for them to start approving wholesale things that really probably if we looked at it today we would not want. We would not want them to be giving entitlements. One of the problems with the whole entitlement process is that once they're given you can't take 'em away. And you know that, you've had problems. You've said yeah we entitled something 20 years ago, that's not the best thing now. There's another development that's coming along who can provide affordable housing or this or that. Let me give one example of something that's in the community plan that we all agreed it shouldn't be there and that's the area the Maalaea Mauka that's Spencer pushed forth here. Now, everybody agreed the...when we went through the Maui Island Plan it was never once spoken of really favorably except by maybe the landowner. Your Council did not approve it yet it's still in the community plan. That's part of our General Plan and it would go to the Legislature, excuse me, go to the State Land Use Commission as something, oh, it's in our community plan, it's in our general plan and it might get passed even though I think the Council, the Planning Commission, the Planning Department certainly is not in favor of it. So we have to be very careful when we give this broad brush approach of sending things to the State Land Use Commission. So there's the question of timing. At what stage would it go forth? Another thing, conditions. The conditions that we put on each time a developer goes to the State Land Use Commission are ones recommended by the Council and/or by the Planning Commission and by the department staff and it's

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looked at very carefully. And these are sometimes very large parcels like Waiale for example or Pulelehua or some of the other big ones that are out there. And we put conditions on them because that particular location demands conditions. Well, that's not in our community plans necessarily. It's not in the General Plan but it might be very specific to that particular project. I would hate the State Land Use Commission to be giving blanket urbanization or Rural classification to a piece of land that should have very specific conditions given the traffic, housing, water, sewage, wastewater, et cetera, et cetera. All those kind of things that may demand very particular conditions on that parcel and that's why we do it parcel by parcel. And it's a very effective way of making sure that our community is best served rather than just a blanket set of conditions. There's also a bargaining issue. Developers in the past and I'm going to go back to the late departed Mayor Elmer Cravalho. When Wailea went through its process of entitlement back in 1972-3 he made some deals with Wailea. He said, you know, I'll get people to support your project but I want a condition, I want a condition so that we can get a water pipeline built through Central Maui. I want to get a condition that...and he did this later on also to get access to the East Maui stream so that Upcountry could get its water. He also got deals with A&B trading, said we'll approve one of your projects but we also want some land. And so a number of land parcels like just beyond Maui High School where there's a residential affordable housing project, in Haiku there are some. Next to the baseball stadium, between the baseball stadium and the ocean there on that land parcel there he got from A&B some land that they didn't need any more so that he could get affordable housing built for members of our community. That kind of trading wouldn't be able to go on if we start giving blanket conditions and there are many, many other examples. Olowalu was put into our General Plan and subsequently when it went to the State Land Use Commission that one parcel the Planning Director came down himself and said we do not want this item because of traffic concerns and other issues. So doing blanket proposals is not the way we should be going and I would urge you strongly please take this one out of your package both at the County level and endorsing it at the State level. It is not the best way to go for...it's not planning. It's the opposite of planning. And I thank you very much for giving me the time.

CHAIR VICTORINO: Thank you, Mr. Mayer. Questions for the testifier? Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair. And thank you, Mr. Mayer, for that testimony and I understand where you're coming from now. The question I have for you though is those things you talked about late Mayor Cravalho. That happened at Change in Zoning time did it not?

MR. MAYER: No.

VICE-CHAIR COUCH: Most of those conditions we do are done at Change in Zoning as opposed to district boundary amendment.

MR. MAYER: It's also...the County...I can't speak exactly to what Elmer did with A&B on that one and maybe it was done at multiple stages. Knowing that A&B wanted to get this he would be able to go to the State Land Use 'cause the County is represented by

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law at all conditions. And it would be difficult for the County to name all its conditions, all its reservations on a project if we're doing blanket-type zoning. And so it would be much better if we did it by looking at the project, at a particular project. Now, all smaller projects, under 15 acres, you folks handle so you don't...we're talking about the large ones where there's a large piece of land where the landowner may be able to make conditions. May be able to give land to the County for housing. Let's say Waiale has some affordable housing that the County would presumably build and that was because when the business park went through the conditions were put on there to allow that affordable housing to go in. Not on the business park area where Target is now located but rather in the Waiale project. So these things can be done but if we do blanket those conditions we won't be able to handle each project and its unique things. And lastly I would add to that is that the General Plan is very often done as the Maui Island Plan is over a 20-year period. I would hate to see that growth boundary which is intended to be a 20-year sort of parameter guideline for the community plans all of a sudden being filled in before the community plans even have a chance to make some decisions. So there's some real issues out there on timing. It's just bad legislation to do it that way. And I think the present system even though it may be slow, it may occasionally cause headaches for the developers I think is in the best interest of the community to do it piece by piece.

VICE-CHAIR COUCH: Okay. And the other part was and maybe it's some of the language in the legislation. You talked about where it says the General Plan which the community plan is part of and you gave the Maalaea Mauka which is a really good example. However, in the general...in the Maui Island Plan we have our urban growth boundaries, and the urban growth boundary was removed from there so we have set as a community and as a Council where we want our urban growth to be and where we don't want it to be.

MR. MAYER: Right.

VICE-CHAIR COUCH: So if we change that language to talk about growth boundaries or...because we have rural growth boundaries as well. We have the two growth boundaries, which I think are very good pieces of legislation that we, we say this is where you can and this is where you can't. So our...the intent at least, well, I think when we talked about this a while back was that where we have our urban growth boundaries in the Maui Island Plan or the General Plan, that's where we would do the district boundary amendments, not...and I see where you're saying it 'cause it says General Plan, and the community plan is part of the General Plan and they are not consistent.

MR. MAYER: And the Maui Island Plan obviously is part of the General Plan.

VICE-CHAIR COUCH: Correct.

MR. MAYER: And...

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VICE-CHAIR COUCH: So should...if we change the language to urban growth boundaries would you be supportive of that?

MR. MAYER: You know those urban growth boundaries and rural growth boundaries are really 20 year...out to 20 years to make sure that we put in infrastructure within a 20-year period.

VICE-CHAIR COUCH: Right.

MR. MAYER: And if, depending who the Planning Director is sends it up to the State Land Use Commission he either because of political reasons, they're pushing a particular project, whatever. All of sudden some things might get reclassified as Urban or Rural prematurely before the infrastructure is ready. Right now we know how difficult it is to get any State money to build a highway from Lahaina to Central Maui and yet there's all kinds of things in the growth boundaries in West Maui that if they were allowed to start progressing ahead, the road, the single little road through Olowalu wouldn't be able to handle it. The bridge, the tunnel wouldn't be able to handle it. So when we make plans and you folks spent many years looking at the Maui Island Plan with those growth boundaries, you were looking at a 20-year plan. I would hate in the first 5 years all of sudden somebody says okay it's in the growth boundaries, let's reclassify it. It's just not...it's premature and in fact after 18 years we may decide hey, you know, that really was beyond what we needed to do at that time but it's in the plan. Oh, I mean there are many other communities like I picked the Maalaea one. Haliimaile, Ulupalakua Ranch, all these areas are in growth boundaries. I would hate to see them prematurely reclassified because you can't take it back, that's the problem. If the County could then say you know hey we jumped ahead too far. We prematurely designated it. We don't have the infrastructure to bring water to Ulupalakua. We don't have the infrastructure to take the traffic in this way. We don't have the Department of Education providing schools for this area. So all of those things need to be taken in account and that's why I think it's bad legislation.

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

CHAIR VICTORINO: Thank you. Any other questions for the testifier? Seeing none, thank you, Mr. Mayer.

MR. MAYER: Thank you very much and I wish you well.

CHAIR VICTORINO: Thank you, sir. Any other testifiers in the Chamber, Ms. Willenbrink?

MS. WILLENBRINK: No, sir.

CHAIR VICTORINO: Okay, thank you. Let us check with our District Offices. Molokai, Ella, is there anyone wishing to testify?

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

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CHAIR VICTORINO: Lanai, Denise, is there anyone wishing to testify?

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

CHAIR VICTORINO: And, Dawn, in Hana, is there anyone wishing to testify?

MS. LONO: There's no one waiting to testify in the Hana Office.

CHAIR VICTORINO: Is there anyone wishing to testify that has not testified in the Chamber?  
Seeing no one rushing to the podium, I will with no objection, close public testimony.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR VICTORINO: Thank you.

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

CHAIR VICTORINO: And we will take a quick recess subject to the call of the Chair.  
. . .(gavel). . .

**RECESS: 10:01 a.m.**

**RECONVENE: 10:10 a.m.**

CHAIR VICTORINO: . . .(gavel). . . The meeting of the Policy and Intergovernmental Affairs Committee will reconvene. I want to thank all those testifiers who came this morning. They brought up a lot of good issues and good ideas.

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

CHAIR VICTORINO: Again this is a package that we need to understand if we don't get it completed or don't get it out of this Committee by the 16<sup>th</sup> to the full Council it won't make the legislative cutoff for HSAC. And so, if you want revisions or changes we need to really work hard in getting it done so that we can move it forward. And if it's something that doesn't make it out of here then it won't make it till next year and I'm trying my best as well as all of you know Ms. Baisa and I only have 3½ months and we're moving things along. But more importantly I think these are items that have sat there and I really believe a concentrated effort by HSAC and some of the changes that we're proposing we'll be able to accomplish some of these items and make them reality. So we'll see what happens, you know, there's an old saying, unless you try you'll never know the results. So moving right along.

VICE-CHAIR COUCH: Mr. Chair?

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CHAIR VICTORINO: Yes?

VICE-CHAIR COUCH: Real quick question.

CHAIR VICTORINO: Yes.

VICE-CHAIR COUCH: In the past, we've been trying to put a limit of two or three. Is that still an issue or do we feel confident that we can put as many as we need and that will get through?

CHAIR VICTORINO: I know we have ten right now as far as the HSAC package is concerned and if it passes out of this Committee to the full Council and passes out of full Council and goes to the Executive Board, I'm going to be very honest with you, I think some of that will be whittled down. And we may end up with three or four of what I call the top items but the other ones will be available should those items come up, it's part of our package already so it makes us...it makes it easier for us to testify, send representatives to testify, and let our Legislators know that we're concerned about that. So it doesn't mean all ten will be there at the final version that the HSAC Executive Committee sends out. I think we are looking for three or four top but we want the others to be there as items to be discussed. Okay. So then we...you know so next year and the year after it's kind of revolving and see what we can accomplish each and every year. So just so long you understand, Mr. Couch, it's not that we're going to get all ten done this year or...you know and other counties have brought similar items to the table. So we're going to try to combine them so that if all the counties agree on for example the lifting of the cap on TAT and all that then that's going to be...beach liability is another one, maybe Sunshine, Important Ag Lands. Let's see what comes...what rises, what's the old saying, let's see what rises to the top and then we go from there. Okay. So let's start out with item no. 1 which is the first resolution has gone through a number of changes. May I please ask you to refer to the date, one dated September 1, 2016 and that was Approving of the Inclusion of the 2017 State Association of Counties Legislative Package a Bill to Enable Councilmembers to Freely Attend County Meetings, Community Meetings, excuse me, Community Meetings, correction. The purpose of the revised proposed resolution is to approve for inclusion in the 2017 HSAC Legislative Package the proposed State bill attaching the resolution as Exhibit "A," entitled A Bill for an Act Relating to the Community Meetings. The purpose of the proposed bill is to amend the State Sunshine Law (Part I Chapter 92, Hawaii Revised Statute), to allow Members of the County Council to attend meetings as described in Subsection E without limitation to the numbers of participants and to be exempt from limited meeting constraints imposed by Section 92-3.1 of the State Sunshine Law. Okay. So what we're trying to do is put that in a nutshell so the public understand is to allow Councilmembers who are Legislative, a Legislative body not a commission, it's a Legislative body, to attend whether it's the Kula Community Association, the Kihei Community Association, Waikapu Community Association. I don't care what association has a meeting for which information from the community is being transposed and given to the community as well as the Members that are attending, that there's no limitation. Right now, we have where if four or more of us go one of us have to...then they have to

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leave. Only four is allowed and then a report has to be made. I'm not objecting to the report but I'm objecting to the fact that if Mr. White and Mr. Guzman...oh, and by the way, thank you, Mr. Guzman, I'd like to recognize you, I'm sorry, for your attendance, the Vice-Chair of the Council, Mr. Guzman, thank you being here this morning.

COUNCILMEMBER GUZMAN: Thank you, Chair.

CHAIR VICTORINO: And Mr. Couch and Ms. Crivello, and whoever and ever and ever is attending the meeting that they're allowed to sit there. They're allowed to ascertain that information. They're allowed to hear what the community has to say and then come back and it makes it easier when we're sitting here in these Chambers to make decisions 'cause we've heard this from the community. So at this time I'll open the floor. I'll start with Mr. Couch and work our way right down. And so, Mr. Couch, if you would like to start.

VICE-CHAIR COUCH: And we're just doing this one bill?

CHAIR VICTORINO: Just this one bill, yeah. So we'll try to move along but we'll do this one bill first.

VICE-CHAIR COUCH: I'm supportive of it as long as it, you know, we had some sort of thing where we could go if there were more than four, if there's a...we have a video and minutes of the meeting and whatnot. Is that...does that...does this portion make us exempt from all those requirements?

CHAIR VICTORINO: Well, this is why, this is what the intent of this bill is to exempt us from that.

VICE-CHAIR COUCH: From the requirements of the --

CHAIR VICTORINO: Yes.

VICE-CHAIR COUCH: --video and ...

CHAIR VICTORINO: Yes.

VICE-CHAIR COUCH: Okay.

CHAIR VICTORINO: Yeah.

VICE-CHAIR COUCH: Because it says notwithstanding Section 92-3.1(b) of this chapter which isn't anywhere in the bill so I'm trying to look at it and see what that says. Okay, thank you, Chair.

CHAIR VICTORINO: Okay. Next, Ms. Cochran?

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COUNCILMEMBER COCHRAN: Thank you, Chair. Yes, I'm in support of this. We've been talking about this over and over. And so on Item I it's showing may jointly attend and speak. So we're...so not just be non-participants in a sense to just go and learn and take in information but this is we're looking to also be interactive and speak at these. Is that what I...are you following me --

CHAIR VICTORINO: Yes.

COUNCILMEMBER COCHRAN: --on this?

CHAIR VICTORINO: And I think we put that in there ...

COUNCILMEMBER COCHRAN: 'Cause I thought that's different ...

CHAIR VICTORINO: That's different, okay, I thought we took that out so.

COUNCILMEMBER COCHRAN: Okay, am I on a different one? Okay, sorry.

CHAIR VICTORINO: We took that out, right?

COUNCILMEMBER COCHRAN: Oh, yeah.

COUNCILMEMBER BAISA: Yeah, we took it out.

CHAIR VICTORINO: Yeah.

COUNCILMEMBER COCHRAN: Okay.

CHAIR VICTORINO: Yeah. So this is the --

COUNCILMEMBER COCHRAN: Sorry I have the wrong ...

CHAIR VICTORINO: --one, we're trying to follow the September 1, 2016 --

COUNCILMEMBER BAISA: Version.

CHAIR VICTORINO: --version.

COUNCILMEMBER COCHRAN: Yeah, sorry, I only have August 23<sup>rd</sup> so --

CHAIR VICTORINO: Well, I think we passed it out.

COUNCILMEMBER COCHRAN: --okay, I see the new, okay, I got it.

CHAIR VICTORINO: Yeah.

COUNCILMEMBER COCHRAN: Okay, thank you. No, I'm good.

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CHAIR VICTORINO: Okay.

COUNCILMEMBER COCHRAN: Thank you.

CHAIR VICTORINO: Thank you very much. And I think we took that out because again we were there to gather information --

COUNCILMEMBER COCHRAN: Right.

CHAIR VICTORINO: --not to participate in that respect. The real question I have with that would be when somebody turns and says, Mr. White, what do you think of that idea. And that way we get into a real challenge because, you know, the best answer at that point is we're not here to speak, we're here to gather information. But you know how some people might take that in an offensive manner but I guess like everything else there's no perfect bill. We're trying our best. Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much, Chair. I'm in full support of this. You know I've been trying since I got here to get this thing through and I'm really happy that it's finally, you know, making it to the HSAC package again, and with the revision I think it's good. But, you know, I'm really worried because every time this goes to Legislature it runs into this brick wall. And the brick wall is that people like Common Cause and the League of Women Voters, shame on us, come to speak against it and they have been able to modify it to make it almost unworkable with this nonsense about minutes and the agenda and the video and all of that stuff. So we really haven't made a whole lot of progress. In fact, to me it's worse. But I think we got to keep trying and I'm wondering if maybe we could either do it here or we could do it at HSAC but somewhere it would be good to invite those people that continuously speak against this bill and try to find out what is their problem and could we convince them to, you know, cooperate with us or collaborate or do whatever it is they have to do to help us. But there seems to be a misunderstanding of what we're trying to do. We want to be present to learn and I think they're seeing this as the way not to be transparent or to violate Sunshine Law and I don't know how to make that clear so that we can take that away. So anyway, we should try again but I think maybe some meeting of the minds is going to have to happen before we can get this through. Thank you, Chair.

CHAIR VICTORINO: Thank you, Ms. Baisa. I already have that in works right now.

COUNCILMEMBER BAISA: Good. Perfect.

CHAIR VICTORINO: I have been trying to...I'm presently contacting the various entities like ACLU, Women of...League of Women Voters, and the others that have opposed this --

COUNCILMEMBER BAISA: Common Cause.

CHAIR VICTORINO: --to sit down with them on a one-on-one basis and hear what they have to say. And see if there's some happy medium or some common ground we can come

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to that we will be allowed to participate. I think their biggest challenge has always been what is a community meeting? If you're talking put on by Kula Community Association or Kihei Community Association they're fine with that but what about a developer who does that, you know, and puts on a "community meeting", yeah. You know, I mean that's been their --

COUNCILMEMBER BAISA: Right.

CHAIR VICTORINO: --pushback, you know, and I understand that. So it's not easy but let's see what we can do and again we'll be meeting in October and November with them so hopefully this will be something that we can resolve before we get to that point. But the other side of the coin is they've been pretty stern about where they stand and maybe it's time we beat down the wall and see what we can do so.

COUNCILMEMBER BAISA: Maybe we should attend the meeting and have somebody file a complaint and take it to court.

CHAIR VICTORINO: Okay. Alright. Alright. Okay, alright, Mr. Carroll, do you have anything you'd like to add? Thank you.

COUNCILMEMBER CARROLL: No, you and Ms. Baisa have covered the concerns that I had. Thank you.

CHAIR VICTORINO: Thank you. Mr. White?

COUNCILMEMBER WHITE: Thank you, Chair. Yeah, I think the, you know, we're able to do it now but it has to be videotaped and we have to provide minutes and my question is who are we providing it for? Because if somebody is that interested they should attend the meeting. But I do believe that we should add to this proposed segment "open to the public" because it's not clear on some of these that the meetings are open to the public. And I think if we make it very clear that we are only asking for the ability to go to educational, informational, and community meetings that are *open to the public* then I think we should be able to do it without videotaping or providing minutes. When we spoke to the Office of Information Practices I believe it was before last year's session they said well, you can meet, now you just have to videotape and provide minutes. And we, you know, we gave some objection to that and they said well, but no one's tested it, no one's even used that, you know, that ability. So we have done that now and I think we can say that it's not...it's a lot of effort for very little actual results because again, if somebody is interested in knowing what happened in the meeting, they should attend since it's open to the public. So thank you.

CHAIR VICTORINO: Thank you. Mr. Guzman?

COUNCILMEMBER GUZMAN: Yeah, thank you, Chair. I think most of the Members have addressed the issues. I agree with Mr. White in terms of if the notice is public, you know, inviting the public to be at the meeting, why should we videotape it? You know

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it just doesn't make sense. But anyways, maybe that language needs to also be addressed as well. Thank you, Chair.

CHAIR VICTORINO: Well, I think that can be inclusive in that, you know. Yes, Mr. White, I'm sorry?

COUNCILMEMBER WHITE: Just a question for Staff.

CHAIR VICTORINO: Yeah.

COUNCILMEMBER WHITE: When we had that meeting that was videotaped, I'd like to know whether we had any requests for that video.

CHAIR VICTORINO: Staff, do you know if we had any requests?

COUNCILMEMBER WHITE: Any requests for the minutes that were generated.

MS. WILLENBRINK: I do not. I could try and find out.

CHAIR VICTORINO: Okay. We'll try to find out before the close of today's meeting. We'll check with downstairs and see what we come up with. Ms. Crivello?

COUNCILMEMBER CRIVELLO: Thank you, Chair. Yeah, I will ditto my colleagues and I like what Mr. White mentioned about community meetings open to the public and hopefully this will be a first step where we can be more fully engaged with our community than just sitting there. And like you said they may ask you, oh, what's your thoughts? So do we just swallow and say no comments? But I think this is a first step for us to allow us to be more participative with our community and learning. Thank you.

CHAIR VICTORINO: Thank you. And again that's the whole objective to be more participatory, you know, and I think this is what we're trying real hard to do in this. So if you will allow me and the Staff to include "open to the public" and I know there's a couple of places we could put that. Yes, Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair. My question would be would it...that's community meetings open to the public --

CHAIR VICTORINO: Yeah that's what ...

VICE-CHAIR COUCH: --'cause they're talking about conventions, seminars and other things too that usually aren't open to the public unless somebody pays to come. So that's one thing, it would be community meetings open to the public where I think we...I think that's where Mr. White --

CHAIR VICTORINO: White was going with that.

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VICE-CHAIR COUCH: --was going but I'm not sure.

CHAIR VICTORINO: Yeah, we can add that, you know, that could be inclusive, attend community meetings open to the public, and I think that would be very simple to add and would have no real substantial change. Would that, Ms. Willenbrink?

MS. WILLENBRINK: And where would you like to add that, please?

CHAIR VICTORINO: I would add that...well, you know what at this point...okay.

VICE-CHAIR COUCH: Page 3 of the bill, Mr. Chair.

CHAIR VICTORINO: Yeah I was going say, yeah, Page 3 looks like it would be right.

VICE-CHAIR COUCH: Line 22.

CHAIR VICTORINO: Yeah, right at the bottom. Including meetings ...

VICE-CHAIR COUCH: Page 3, line 22.

CHAIR VICTORINO: Yeah, community meetings open to the public at the very, very bottom of the page.

MS. WILLENBRINK: Thank you.

COUNCILMEMBER WHITE: Chair?

CHAIR VICTORINO: Yo.

COUNCILMEMBER WHITE: If I...I would just like to add that I believe NACo even though it's, you know, it's a conference that's open for us, I believe that's open to the public and I believe HSAC is open to the public.

CHAIR VICTORINO: That is correct.

COUNCILMEMBER WHITE: So I'm not sure we should just focus on community meetings but I would say as long as the Staff knows where we're headed with it we can take a look at it at --

CHAIR VICTORINO: Yeah, okay. Okay.

COUNCILMEMBER WHITE: --at first reading.

CHAIR VICTORINO: If that's okay with you folks. So we have the general idea and I think we could incorporate that statement of "open to the public" somehow, somewhere along with all the package itself. So I understand what you're coming...but I do make...I do

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agree with Mr. Couch in one sense sometimes when you go to different seminars and other meetings they may not be open to the public or there's a fee that is charged.

COUNCILMEMBER WHITE: Yeah, my...yeah, I think the concern of the Common Cause and League of Women Voters is us meeting with developers or someone --

CHAIR VICTORINO: Right.

COUNCILMEMBER WHITE: --in private settings.

CHAIR VICTORINO: Yeah.

COUNCILMEMBER WHITE: So I think as long as we suggest that it's in the best interest that we attend community meetings and other things that are open to the public, we should be in good shape.

CHAIR VICTORINO: Okay.

COUNCILMEMBER WHITE: And the other question that I'd like Staff to take a look at is whether or not the requirement for videotaping and us keeping minutes is in the statute or whether that's in the rules or just an interpretation from OIP. Because I don't see it --

CHAIR VICTORINO: I don't see in the, yeah.

COUNCILMEMBER WHITE: --in the statute.

CHAIR VICTORINO: No, statute, it's not there.

VICE-CHAIR COUCH: No, yes, it is.

CHAIR VICTORINO: It is?

VICE-CHAIR COUCH: Yes, it is.

COUNCILMEMBER WHITE: It is? Oh, okay.

VICE-CHAIR COUCH: Mr. Chair?

CHAIR VICTORINO: Yeah.

VICE-CHAIR COUCH: In 92...and that's why I asked about this notwithstanding Section 92-3.1(b), that's exactly where it is and it says...so my question is to Mr. Kushi, notwithstanding Section 92-3.1(b), does that mean we still have to do the video and the minutes?

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CHAIR VICTORINO: Mr. Kushi, we're going to call upon you sooner or later so this is the first start.

MR. KUSHI: Yeah.

CHAIR VICTORINO: You're not on. You're not on. Okay, no you're not on. Now you're on.

MR. KUSHI: What line are you referencing?

VICE-CHAIR COUCH: If you look at Page 5 of the bill it says on line 4 notwithstanding Section 92-3.1(b) of this chapter.

MR. KUSHI: Page 5?

VICE-CHAIR COUCH: Page 5 of the bill.

CHAIR VICTORINO: Yeah. The bill itself.

COUNCILMEMBER WHITE: It's only three ...

VICE-CHAIR COUCH: Number 4.

CHAIR VICTORINO: Do you have a copy of the new bill? Make sure Mr. Kushi has the September 1<sup>st</sup> copy 'cause that's what we're working off of.

MR. KUSHI: No, I don't have the September 1<sup>st</sup> copy.

CHAIR VICTORINO: Okay.

MR. KUSHI: It's not in the book. Okay, Page 5?

CHAIR VICTORINO: Page 5 right at the end and it starts on line 4 of Page 5.

MR. KUSHI: Yes. Question, please.

VICE-CHAIR COUCH: The question is it says notwithstanding Section 92-3.1(b) of this chapter for meetings described in subsection (e) the limitation on the number of attendees shall not apply to Members of the County Council. And Section 92-3.1(b) is the whole thing saying that we can do it but we have to have minutes, we have to have video, we have to have...make the videotape at the next regular meeting, you know, there's a long list of things that we have to do. So is this saying we still got to do that and there's just no limit of the numbers? I'm not sure why that's in there and what is required of us.

MR. KUSHI: Just from your question and reading, yeah, I don't have 92-3.1(b) before me but I think this Section I, as in Isaac, just removes the limitation on the number of Council attendees. So on the subparagraph (e) it says two or more members of the

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board but less than the number of a quorum. So, if you read this new Isaac subparagraph, all of you can attend but I would still think you'd have to comply with 92-3.1(b).

VICE-CHAIR COUCH: Okay, thank you. That's ...

MR. KUSHI: You know the other concern I had is that if all of you is going to attend it's a full Council meeting and I recall that in one instance at a conference someplace in Honolulu you did a separate agenda at the other board meeting. And I'm sure...and, Mr. Chair, I'm sure OIP will comment on this.

CHAIR VICTORINO: Oh, definitely.

VICE-CHAIR COUCH: Yeah, of course they will.

MS. WILLENBRINK: Chair?

CHAIR VICTORINO: Yes.

MS. WILLENBRINK: Your backup attorney has some information.

CHAIR VICTORINO: Okay. Ms. Brooks is here. I've called her up to address some of these questions because of what we have discussed. Ms. Brooks, please.

MS. BROOKS: Thank you, Chair. With regard to our trial of the limited meeting provision last year with the Maui Disability Alliance we obtained from OIP a waiver of the videotape requirement and all that was required for that was a simple e-mail and then we received a waiver signed by Cheryl Park within 24 hours. So we did not videotape it and we were able to do it without that requirement. With regard to the intention of the proposed bill, the idea is that the limitation on the number of attendees that would, that currently exist under the informational meeting, subsection (e) would be lifted and that is all it would affect. The idea is that the requirements for videotaping that adhere to the limited meeting provision under 92-3.1(b) would not be affected. So the idea is that informational meetings could be attended by any number of Councilmembers and under this provision and they would not have to comply with the videotaping and other requirements that are part of the limited meeting provision.

CHAIR VICTORINO: Okay. Are you clearer now? Or, Mr. Couch, you're frowning over there so I guess you're ...

VICE-CHAIR COUCH: So I'm just wondering why notwithstanding Section 92-3.1(b) is in there because that basically tells me as I'm reading that that we have to comply with 92-3.1(b).

MS. BROOKS: The idea behind this and we're certainly open to better suggested language but the idea was to make clear that in lifting the limitation for informational meeting

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attendees we are not subjecting those attendees to the limited meeting requirement under 92-3.1(b).

VICE-CHAIR COUCH: Okay, then maybe I'm just not --

CHAIR VICTORINO: Okay, hang on.

VICE-CHAIR COUCH: --a lawyer and not reading it right.

CHAIR VICTORINO: Okay, hang on, hang on. Mr. Kushi?

MR. KUSHI: Recess. Recess.

CHAIR VICTORINO: Recess. Okay. We're going to take a quick recess subject to the call of the Chair. . . .*(gavel)*. . .

**RECESS: 10:34 a.m.**

**RECONVENE: 10:37 a.m.**

CHAIR VICTORINO: . . .*(gavel)*. . . Meeting will reconvene. Okay, Mr. Kushi or Ms. Brooks. I know you guys...two talking. Go ahead, I'll start with you, Mr. Kushi, please.

MR. KUSHI: Yes, Member, Mr. Chair, I'll defer to Ms. Brooks.

CHAIR VICTORINO: Ms. Brooks, please.

MS. BROOKS: Thank you, Chair. The two provisions are separate. The one in 92-3.1(b) is as a guest. So the Councilmembers attending that are attending as guests of a host and the requirements under that provision are such that there must be a lot of coordination beforehand and...with the host entity. And the host entities has to comply with certain requirements and the Councilmembers attending also have to comply with certain requirements. For example the videotape requirement unless they obtain a waiver from OIP. In the current proposed bill it applies to a different section of the Sunshine Law and that section simply has to do with informational meetings. In these meetings Councilmembers can attend right now in a number that is less than a quorum but no coordination has to be effected, and the requirements of videotape, et cetera, are not present. So the current bill simply removes the limitation under that section for Councilmembers attending from less than a quorum to now any number of Councilmembers attending and that is Section 92-2.5, Permitted Interactions.

CHAIR VICTORINO: Okay, now are we clear, Mr. Couch? Are you okay with this?

VICE-CHAIR COUCH: I'm fine. Thank you, Chair.

CHAIR VICTORINO: Okay. Mr. Kushi, we okay with this?

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MR. KUSHI: Fine with me.

CHAIR VICTORINO: Okay. Just so long as everybody is fine we're moving right along. Okay. Any other discussion on the first item, item no. 1 which is the resolution as we have stated? You have something else, Mr. Couch? Okay. If there's no other discussion...a little more discussion. Okay, wait. We have a little more discussion and I guess it's coming from behind me so sorry I didn't see the, you know. Yes, Ms. Brooks? Go ahead.

MS. BROOKS: I simply want to address the comment about needing an additional provision revising subsection (e) to make all community meetings open to the public. I think there's no harm in that; however, in revising subsection (e) you'll be affecting all board attendees, not just Councilmembers. So you'll be...it would...this bill would change the nature of all community meetings. So I don't really see any difference in that or any harm in that; however, I just wanted to make the Committee aware that this would affect more than just the Councilmembers attending a community meeting. It would affect all board members attending community meetings.

CHAIR VICTORINO: Okay. Any questions to that last statement? Okay. Seeing none, I would like to make my recommendation.

COUNCILMEMBERS: Recommendation?

CHAIR VICTORINO: Okay. The Chair would like to entertain a motion to adopt a revised resolution entitled, Approving for Inclusion in the 2017 Hawaii State Association of Counties Legislative Package a Bill Enabling Councilmembers to Freely Attend Community Meetings.

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

COUNCILMEMBER WHITE: Second.

CHAIR VICTORINO: It was moved by Mr. Couch, seconded by Mr. White. And if you would allow us we would make those changes wherever necessary to...nonsubstantive changes in the language where necessary.

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

CHAIR VICTORINO: No objections. Thank you. Any more discussion? Seeing none ...

MS. WILLENBRINK: Chair?

CHAIR VICTORINO: Oh, I heard Chair. Yes?

MS. WILLENBRINK: Yes. Just a question. Is...are we going to have "open to the public" added or not?

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MS. BROOKS: Just clarifying, Chair, if I may that the motion includes the bill as revised to include the phrase "open to the public" in subsection (e) after community meetings.

CHAIR VICTORINO: Well, I don't see any problem. Anyone see a problem with that?

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

CHAIR VICTORINO: No. Okay, so as revised with "open to the public." Okay. All those in favor, signify by saying "aye."

COUNCILMEMBERS: Aye.

CHAIR VICTORINO: Opposed? So let the record show eight "ayes," one excused Mr. Hokama, and I won't repeat that for the rest of the day.

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

**NOES: None.**

**EXC.: Councilmember Hokama.**

**ABSENT: None.**

**ABSTAIN: None.**

**MOTION CARRIED**

**ACTION: Recommending ADOPTION of revised resolution approving for inclusion in the 2017 Hawaii State Association of Counties Legislative Package a State bill to enable Councilmembers to freely attend community meetings.**

CHAIR VICTORINO: Okay, moving right along. Second item would be, okay, the Committee is in receipt a proposed resolution that would...was handed out August 29<sup>th</sup> meeting from me entitled, Approving an Inclusion in the 2017 Hawaii State Association of Counties Legislative Package a Bill Relating to the Transient Accommodation Tax. The purpose of the proposed resolution is to approve for inclusion in the 2017 HSAC Legislative Package a proposed State bill attached with resolution as Exhibit "A" entitled, A Bill for an Act Relating to the Transient Accommodation TAT...Tax, I should say, excuse me. The purpose of the proposed bill is (1) to provide a fair, consistent, and predictable priority allocation of Transient Accommodation Tax revenues, of the assumed...an assumed minimal amount, to the tourist...from the tourism...to the tourism special fund, (2) maintain allocation of the Transient Accommodation Tax revenues to existing obligation at the present level, (3) provide a fair, consistent, and predictable allocation of the balance of the Transient Accommodation Tax revenues

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between the State and counties, and (4) flexibility to the tourism special fund, State, and counties in the utilization of the respective allocation. This proposed State bill would identify to the Maui...or is identical I should say to the Maui County package bill. A HSAC revised...revision of this bill was handed out to you at the last meeting to correct a few non-substantial errors. I note for the record that while this is not a TAT, bill this is...that was a package last year, the revision of the HSAC was...this HSAC bill was eventually supported. So you all have it and I open the floor with discussion and I will start with our resident expert when it comes to the Transient Accommodation Tax, Mr. White.

COUNCILMEMBER WHITE: Not sure I would call myself the resident expert but thank you.

CHAIR VICTORINO: Well, you're the closest thing we have in the building so go ahead, Mr. White.

COUNCILMEMBER WHITE: Well, I certainly approve of HSAC taking a very strong stance once again. I think we're all a bit disheartened at the lack of serious consideration that we saw last term or last session I should say. So I hope that we're able to move this forward and do so effectively this time around. Thank you.

CHAIR VICTORINO: I think part of the plan that we're bringing forward is to take a very hard and strong stand this time. Start out of the gates with a strong proposal so that the Legislature knows that we mean business and that we really, really need their assistance in getting something accomplished with this item. Mr. Carroll, do you have anything else you'd like to add?

COUNCILMEMBER CARROLL: No.

CHAIR VICTORINO: Well, that was simple. Ms. Baisa?

COUNCILMEMBER BAISA: Nothing to add. I think we beat this to death and I'm in full support. Let's get what we should get. Thank you.

CHAIR VICTORINO: Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. I'm in support of this also. So thank you for bringing it forward.

CHAIR VICTORINO: Thank you. Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair. And I fully support this. Just HSAC did all this changing around and moving of the different funds, is that something that ...

CHAIR VICTORINO: That we have been discussing, yes.

VICE-CHAIR COUCH: Okay.

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CHAIR VICTORINO: Yeah.

VICE-CHAIR COUCH: Alright.

CHAIR VICTORINO: That's why we're trying to bring forward what we've been discussing here so that we know where we're at.

VICE-CHAIR COUCH: Alright. Thank you.

CHAIR VICTORINO: And let me remind everyone with a billion dollar surplus we should get a little bit more. Doggone it. Go ahead, Ms. Crivello.

COUNCILMEMBER CRIVELLO: I agree, Chair.

CHAIR VICTORINO: Thank you.

COUNCILMEMBER CRIVELLO: I support the passage of this.

CHAIR VICTORINO: Thank you.

COUNCILMEMBER CRIVELLO: Thank you.

CHAIR VICTORINO: And, Mr. Guzman?

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

CHAIR VICTORINO: Your mic's not on. Oh, sorry.

COUNCILMEMBER GUZMAN: I have nothing further to add. Thank you.

CHAIR VICTORINO: Thank you very much. Any more discussion? If not, I'd like to make my recommendation.

COUNCILMEMBERS: Recommendation?

CHAIR VICTORINO: The Chair would like to entertain a motion to adopt a revised proposed resolution entitled, Approving for Inclusion in the 2017 Hawaii State Association of Counties Legislative Package a Bill to Enable...oh, wait that's the wrong one. I was reading the wrong place, okay, excuse me. Approving of the...Approving for Inclusion the 2017 Hawaii State Association of Counties Legislative Package a Bill Relating to the Transient Accommodation Tax.

COUNCILMEMBER WHITE: So move.

VICE-CHAIR COUCH: So move. Oh, go ahead. Second.



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CHAIR VICTORINO: Moving right along. The Committee is in receipt of a correspondence dated August 29, 2016, from Councilmember Elle Cochran, transmitting a proposed resolution entitled, Approving for Inclusion in the 2017 Hawaii State Association of Counties Legislative Package a State Bill to Allow Persons with Disabilities to Indicate on their Identification Cards their Disability. The purpose of the proposed resolution is to approve for inclusion in the 2017 HSAC Legislative Package a proposed State bill attached to the proposed resolution as Exhibit "A" entitled, A Bill for an Act Relating to the Identification Cards for Persons with Disabilities. The purpose of the proposed bill is to allow persons with disabilities to indicate on their identification card their specific disability. For the record, I will note this bill was in HSAC's and Maui's package last year and again the word, and I'm going to bring this up because one testifier brought it up "allow" and the key word is "allow." Okay, and not mandate, not require but to allow and that would be up to the individual. So, Ms. Cochran, I will open the floor to you for your discussion.

COUNCILMEMBER COCHRAN: Yeah, thank you very much, Chair, for bringing this up in this...for the HSAC package. And we're not all new to this idea. I believe I presented this before and, you know, it is an elective. It is to the person with the disability to choose whether they would like it notated or not but it definitely has its plusses for our enforcement people to know things that aren't physically shown, you know, the disability of sorts. And I have some wonderful testimony in favor from Leighton Kanaele who is a retired lieutenant with our Maui Police Department and he really wanted to, you know, bring...shed light on this and to share how it really could help our enforcement agency and others. And just that he's seen incidents where people were I guess aggressively arrested and because it seemed they were being, you know, not participating and all that. But it was just due to the fact that they perhaps could not understand what was being asked of them or what have you. So I think this is an important tool for everyone, including the families and the people who are affected negatively just by the sheer nature that things aren't physically shown as a disability so thereby it can be helpful having it stated on an ID. And at this time I just look for my fellow Members' support on this to put into our HSAC package. Thank you, Chair.

CHAIR VICTORINO: Thank you. And again, I think all of us went through with this last year. We all discussed this last year and again we all agreed that for emergency personnel as well as our law enforcement and other people it is good if they so choose to put it on their ID we know what we're dealing with. And I know because I was in security for many years and there were incidents where an individual was having a seizure or other things and we had no idea what we needed to work with, and so that became real difficult. And then if you don't have a family member or someone there to address it or to tell us what was going on it even made it more difficult. So I'm all in favor of this. I think the State needs to recognize this and the County needs to recognize this but again it's a choice. It's not mandated. It's their choice whether they want to allow it or not. Any other discussion with this item? Seeing none, I'd like to make my --

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COUNCILMEMBER WHITE: Chair?

CHAIR VICTORINO: --recommendation.

COUNCILMEMBER WHITE: Chair?

CHAIR VICTORINO: Oh, I'm sorry. Okay, whoa. Whoa.

COUNCILMEMBER WHITE: Just a question. I think, you know, we all supported this last year --

CHAIR VICTORINO: Yeah.

COUNCILMEMBER WHITE: --but does anyone have a sense of why it didn't move?

CHAIR VICTORINO: I know it went into Conference Committee. It got that far and then it died in Conference Committee. I cannot tell you more than that.

COUNCILMEMBER WHITE: Yeah.

CHAIR VICTORINO: I cannot tell you more than that it died in Conference Committee and that was, you know, so we could follow up on that. Again, you know, it's something that I'd like to see us try one more time but again agree with you why did it fail?

COUNCILMEMBER WHITE: No, we should try it again.

CHAIR VICTORINO: Yeah.

COUNCILMEMBER WHITE: It just it might be helpful to find out why it failed to see if there's an adjustment that we need to make.

CHAIR VICTORINO: Okay. We'll look into the matter and before our first reading maybe if we find out anything specific we can bring it up.

COUNCILMEMBER WHITE: That would be great.

CHAIR VICTORINO: Ms. Willenbrink, will you make a note of that --

COUNCILMEMBER WHITE: Thank you, Chair.

CHAIR VICTORINO: --please. Okay. Anything else? Seeing none, I would like to make my recommendation.

COUNCILMEMBER COCHRAN: Recommendation?

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CHAIR VICTORINO: The Chair would like to entertain a motion for inclusion in the 2017 Hawaii State Association of Counties Legislative Package a State bill to allow persons with disabilities to indicate on their identification cards their disability.

COUNCILMEMBER COCHRAN: Chair, so moved.

VICE-CHAIR COUCH: Second.

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

COUNCILMEMBERS: Aye.

CHAIR VICTORINO: Opposed? Let the record show eight "ayes," no "noes," and one excused.

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

**NOES: None.**

**EXC.: Councilmember Hokama.**

**ABSENT: None.**

**ABSTAIN: None.**

**MOTION CARRIED**

**ACTION: Recommending ADOPTION of revised resolution approving for inclusion in the 2017 Hawaii State Association of Counties Legislative Package a State bill to allow persons with disabilities to indicate on their identification cards their disability.**

CHAIR VICTORINO: Okay, let's move onto the next item. Next item is the Committee is in receipt of correspondence dated August 29, 2016, from me, transmitting a proposed resolution entitled, Approving for Inclusion in the 2017 Hawaii State Association of Counties Legislative Package a State Bill to Allow Certain Government Records to be Shared Among Councilmembers with...Where No Commitment Relating to the Vote on the Matter has...is Made or Sought. The purpose of the proposed resolution is to improve...to approve, excuse me, for inclusion in the 2017 HSAC Legislative Package a proposed State bill attached to the proposed resolution as Exhibit "A" entitled, A Bill for an Act Relating to Government Records. The purpose of the proposed bill is to allow certain government records to be shared among Councilmembers where no commitment to a vote on the matter is made or sought. Okay. The purpose of this was really we have lots of times had amendments and other forms of communication we'd like to share with our Councilmembers but we're not allowed. And what I'd like

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to do is see if somehow we could change where records could be or communication could be sent to Ms. Baisa or to Mr. White not seeking any commitment for a vote but really for informational purposes. That this is what the purpose of this transmittal would be is for informational purposes and that it will make it easier instead of waiting till the meeting then passing out, take a break, review it, then come back, and then discuss it. At least in your mind you have an idea what the purpose of the amendment or resolution or whatever it might be at that point in time. So that was the whole rationale behind of this proposed change and I will open the floor up. And I'll start with you, Ms. Baisa, because you've been a little intricately involved in this area also.

COUNCILMEMBER BAISA: Chair, I want to give my support. I think it's really, really important. You know sometimes when we sit down it would be a lot better and easier and we'd get through it faster if we had the opportunity to review it and kind of think about it. So I think it's a practical way to facilitate faster and easier consideration of matters. Thank you.

CHAIR VICTORINO: Thank you. Mr. Carroll, do you have anything you'd like to add? Mr. White?

COUNCILMEMBER WHITE: How would this be different than what we're able to do now with posting? Because we've gotten approval from OIP to provide this kind of documentation at time of posting and then one more time before the meeting. I think our challenge in the past was having to deal with new information that we only received after the meeting started. But I think we've solved this one if I'm not mistaken. And not that --

COUNCILMEMBER BAISA: No, no.

COUNCILMEMBER WHITE: --but I'm not sure that everyone ...

CHAIR VICTORINO: I don't, I don't think so but, yeah, go ahead.

COUNCILMEMBER WHITE: Yeah, let me just finish.

CHAIR VICTORINO: Okay, go ahead.

COUNCILMEMBER WHITE: Not that every committee is using that ability but we have the ability to transmit. Now if this is referring to items that are being transmitted by a member who's not the chair of the committee then I can see that but I think we need to identify it as such or at least make it clear that this is outside the approval that we've already received.

CHAIR VICTORINO: Okay. Okay. Well, let's hang on to that thought and move along. Mr. Guzman?

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COUNCILMEMBER GUZMAN: Thank you, Chair. Yeah, I'm trying to distinguish between the two differences of what is allowed right now for us via the posting and Sunshine versus what this is...what this resolution or amendment changes.

CHAIR VICTORINO: Okay.

COUNCILMEMBER GUZMAN: Probably I just need a little bit more time to absorb --

CHAIR VICTORINO: Okay.

COUNCILMEMBER GUZMAN: --some of the language here.

CHAIR VICTORINO: Okay.

COUNCILMEMBER GUZMAN: Thank you.

CHAIR VICTORINO: Moving right along. Ms. Crivello?

COUNCILMEMBER CRIVELLO: Maybe you can explain it further. Does...what is it different from what we're allowed to have processed today as...and what will this expand to?

CHAIR VICTORINO: Okay. I think Mr. Couch has been chomping at the bits to do that. So, Mr. Couch, 'cause you had specific...you wanted to give us specific examples, excuse me. Whoa that didn't roll out real well. Go ahead, Mr. Couch.

VICE-CHAIR COUCH: Well, I didn't but I'll come up with something.

CHAIR VICTORINO: Okay.

VICE-CHAIR COUCH: Well, first of all, it's not...it is for any board just to be clear, it's not just the Council, it's any board or commission --

CHAIR VICTORINO: Right.

VICE-CHAIR COUCH: --because it talks about a member of a board. Looking at 92F-12 there's a lot of government...official government documents that not a lot of times we do want to send any of that back and forth. But I can understand when, you know, we sort of have it as Mr. White said but we really don't. There are sometimes when something comes to us that we want to --

CHAIR VICTORINO: Right.

VICE-CHAIR COUCH: --send to members of the Committee we have to wait either till two days before or posting but it's something that would help the Members of the Committee do their due diligence. I think this will allow us a little bit more leeway on that because it says there's no commitment relating to a vote that, you know, ask...is being sought. And no additional discussion other than a statement describing the

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record and the issue related to the government record shall be included in the transmittal. So this give us a little more flexibility. We can do it whenever as opposed to specific times. So I am in support of it. Thank you.

CHAIR VICTORINO: And I think, you know, Mr. White, to go back to your statement it would be any member. So let's say you were to ascertain something that you wanted to share in regards to a certain item without a commitment, that information could be transmitted to the Councilmembers. I think this is what we were looking for.

COUNCILMEMBER WHITE: Yeah, we are able to do that through the Chair of the Committee now at posting and then two days prior. So but this would expand that --

CHAIR VICTORINO: Expand it, yes.

COUNCILMEMBER WHITE: --capacity.

CHAIR VICTORINO: Yeah and I think that's what we were trying to do, expand it.

COUNCILMEMBER WHITE: Yeah that's fine.

CHAIR VICTORINO: Okay. So I hope that helps clarify in your mind, Ms. Crivello?

COUNCILMEMBER CRIVELLO: Thank you, Chair.

CHAIR VICTORINO: Thank you. Ms. Cochran?

COUNCILMEMBER COCHRAN: Yeah, thank you for further information. So it's to...you have an item in committee, you have...you've got new information. Dates coming up for the committee so at any given time, you know, during posting of agenda and the actual committee day, you're allowed to submit additional information into ...

CHAIR VICTORINO: As long as the information is germane to the item.

COUNCILMEMBER COCHRAN: Right.

CHAIR VICTORINO: Yeah.

COUNCILMEMBER COCHRAN: Okay.

CHAIR VICTORINO: And it would be for informational purposes, yes.

COUNCILMEMBER COCHRAN: Informational purposes.

CHAIR VICTORINO: Yes. Yeah.

COUNCILMEMBER COCHRAN: Okay, not persuasive or leading to convince others to hey look at my way.

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CHAIR VICTORINO: No, no. Again as it states in here, no commitment or vote is being sought, you know, so I wanted that really clear.

COUNCILMEMBER COCHRAN: Right.

CHAIR VICTORINO: Alright, this is...you know I come up with something, I say wow hey I think the committee needs to know it and it's the day before the meeting itself or whatever and I can transfer it to the chair and then the chair can transmit it. But, you know, sometimes that interaction takes a while so that can be passed on because it's for information germane to the item that are going to be discussed but no commitment, no request for any support or vote on the matter is being sought by the Councilmember who's transmitting that.

COUNCILMEMBER COCHRAN: Okay. Yeah, no, I appreciate that if it's, you know, facts I guess basically and it's --

CHAIR VICTORINO: That's correct.

COUNCILMEMBER COCHRAN: --given to us in whatever amount of head of time, great, that way we can digest it and really take it in versus try and cram it right here on the floor which happens a lot. So I'm supportive. Thank you, Chair.

CHAIR VICTORINO: I think I really believe and I don't know where this one is going, Mr. White, so I got to very honest but I really believe sometimes we're hindered because we wait and I know we've made some improvements so I thank you very much. We have come a long way since the heyday but it still leaves us sometimes short and then we have to wait till the meeting start and then pass out whatever changes. And then sometimes you have to take a break and digest and then come back and you're saying well, if we had known this before maybe we would have, you know, a lot of things happen. Again so long as it's fact like Ms. Cochran has mentioned, information based on fact to the germane legislation, I think that's what we're trying to accomplish just to expand what we have right now.

COUNCILMEMBER WHITE: No, and I appreciate that, Chair, and I understand that there is that need. It's just that those are the kinds of things that are really tough to get past the League of Women Voters and so on, so.

CHAIR VICTORINO: Yeah, well, again this is something ...

COUNCILMEMBER WHITE: But it's worth a try.

CHAIR VICTORINO: Yeah, I agree with you sometimes it may not fly but at least this is an attempt to get that clarification. Mr. Guzman, do you have anything you'd like to add?

COUNCILMEMBER GUZMAN: No. . . .*(inaudible)*. . .

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CHAIR VICTORINO: Thank you. Go ahead, go ahead, Mr. Guzman. That's okay, go ahead.

COUNCILMEMBER GUZMAN: You know the first section here. I don't really understand the distinction between what is allowed currently because we're allowed currently to have two Members discuss any matter.

CHAIR VICTORINO: That's correct.

COUNCILMEMBER GUZMAN: And that's what it's saying here that in the first part two Members can discuss and then it keeps going further and it emulates what we're allowed to do anyway. So I can't figure out where in the reso or in the bill itself is the distinction. Like what are you expanding? I understand that...what the other colleagues are saying but it doesn't...it's not clear enough for me. I mean where is the exact expansion from what we're allowed to do right now?

CHAIR VICTORINO: Okay. Again, as stated earlier, any...if you for example come up with something online, some constituent gives you some facts that you want to share and tomorrow is the meeting. You can go ahead at that point in time and share it with the rest of the Council because again it's not a commitment or a request for a vote or support, it is really facts germane to the item to be discussed. And that's what I'm...that's what this is all about, expanding what we already have 'cause right now we have it by posting and two days out. So what if it's the day before? I guess that's what I'm asking.

COUNCILMEMBER GUZMAN: Well, I always thought we were allowed to do it as long as it's ...

CHAIR VICTORINO: Yeah, but you can't do it for every Councilmember because that's considered serial communication.

COUNCILMEMBER GUZMAN: Well, don't you just submit it to the committee and it goes out?

CHAIR VICTORINO: Yeah. Six or two days. Mr. Kushi, you've been listening to the discussion, do you see any challenge with what we're discussing?

MR. KUSHI: Mr. Chair, yeah, Mr. Chair, I obviously don't know anything about this. Okay.

CHAIR VICTORINO: Okay.

MR. KUSHI: You know I was not consulted. I didn't draft this.

CHAIR VICTORINO: No.

MR. KUSHI: I'm not sure what the meaning is. I tend to agree with Member Guzman that, you know, what expansion is this intended to serve. All I can say is again you need to look at Section 92F-12 which again I don't have in front of me. And again the

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communication that's covered is a government record, not some letter from, you know, whoever. So, you know, you got to make a distinction what are you covering. It's a government record required to be disclosed by a certain statute. So again I'm not sure what the intent is. I'm sure you guys will figure it out.

CHAIR VICTORINO: Okay, Mr. Guzman?

COUNCILMEMBER GUZMAN: Yeah, Chair, I just like I would agree with Corporation Counsel that you know when I'm reading this, without your explanation I don't understand it.

CHAIR VICTORINO: Okay.

COUNCILMEMBER GUZMAN: So if possibly we can put in more distinguishing language to direct the reader of what is exactly is the expansion of our, I guess our rights or the abilities to, you know, just more clear language. I get a little bit lost in the forest when I'm reading this and without your explanation, Chair, I wouldn't have known where you were going with it, so.

CHAIR VICTORINO: Okay. And I think I think again we all understand what I'm trying to accomplish here or what we're trying to accomplish here. Let me put it this way, I will defer this matter until I get...I can maybe bring some clarification and it may be not include it in the HSAC package, that's the way life sometimes will be. I think but again my whole idea was so that if something germane, informational, factual was to come up and needed to be transmitted to all Councilmembers that we didn't have to go through the process, especially if it was not two days out or after posting and different issues like that. So with no objections ...

VICE-CHAIR COUCH: Mr. Chair?

CHAIR VICTORINO: Yeah, I'm sorry, go ahead.

VICE-CHAIR COUCH: Before you go with that.

CHAIR VICTORINO: Yeah, yeah.

VICE-CHAIR COUCH: Just if you look at Section 92F-12 there's a list of 16 different things, most of which are very, very specific --

CHAIR VICTORINO: That's correct.

VICE-CHAIR COUCH: --like water service consumption, building permit information, rosters of a person holding licenses, a bunch of other rules and procedures, final opinions. Nothing about as Mr. Kushi said a letter coming in from a constituent with some facts except for maybe no. 15 which says information collected and maintained for the purpose of making information available to the general public. So if somebody from the general public wants to tell the Committee something then I can...I can think that

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that would fit under there but, you know, that would be a loose interpretation. As far as Mr. Guzman is concerned...Mr. Guzman's concern, basically this says anybody can give any member of the board, may provide other members of the board any government record. So it's not one on one, the one on one that was a concern. It's just saying that Mr. Victorino can disseminate one of these 15 or 16 different documents to all of us at any time as opposed to the 6 and 2 day. So that's what...I don't know if that helps with Mr. Guzman's concern but I'm fine with you deferring it as well.

CHAIR VICTORINO: Yeah, okay. If you're not comfortable I'm not going to push something along that we're not comfortable with. So if you're not then I will defer this matter.

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

CHAIR VICTORINO: No objection? Okay.

**ACTION: DEFER pending further discussion.**

CHAIR VICTORINO: And I'll take a quick break. Let everyone take their needs and be back in five minutes. . . .(gavel). . .

**RECESS: 11:12 a.m.**

**RECONVENE: 11:19 a.m.**

CHAIR VICTORINO: . . .(gavel). . . This meeting will come back to order. Okay moving onto the next item. Okay. Okay. The Committee is in receipt of a correspondence dated August 30, 2016, from Councilmember Elle Cochran, transmitting a proposed resolution entitled, Approving for Inclusion in the 2017 Hawaii State Association of Counties Legislative Package a State Bill to Include Automatic Voter Registration for Applicants for Drivers License and State Identification Cards.

VICE-CHAIR COUCH: Mr. Chair?

CHAIR VICTORINO: I'm sorry, did I miss something?

VICE-CHAIR COUCH: You missed no. 6.

CHAIR VICTORINO: Okay, hang on.

COUNCILMEMBER COCHRAN: Wait, I'm here already, the bargaining unit?

CHAIR VICTORINO: Okay, oh I missed, okay, I apologize, Mr. Couch, you're absolutely correct, I skipped a page. Okay. So, Ms. Cochran, I'll call upon you right after this. Okay, alright. Oh, God. Okay. The Committee, no. 6 is the Committee is in receipt of correspondence dating, dated I should say August 30, 2016, from me, transmitting a

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proposed resolution entitled, Approving for Inclusion in the 2017 Hawaii State Association of Counties Legislative Package a State Bill to Allow Representation of Each County Council to Participate as a Non-Voting Member in Bargaining Unit Negotiation. The purpose of the proposed resolution is to improve [sic] for inclusion in the 2017 HSAC Legislative Package a proposed State bill attached proposed resolution as Exhibit "A" entitled, A Bill for an Act Relating to Collective Bargaining. The purpose of the proposed bill is to allow representation of each County Council to be present as a non-voting participant in negotiations for relative bargaining units. Mr. White, you were instrumental in this area and I would like to call upon you first.

COUNCILMEMBER WHITE: Thank you, Chair. Is the...is HSAC working on additional bills for...in respect to negotiations or collective bargaining I should say?

CHAIR VICTORINO: I think they're looking for us to bring something down. I don't know of any of the councils that are working on something like this but they all in agreement. At our meeting last month they were very much in-tune to us being at the table when these bargaining units are negotiating so that we have a better understanding of what the items are being brought forward when they reach our table.

COUNCILMEMBER WHITE: Right, but I think there are several other concerns such as the number of votes that the State has with respect to SHOPO and firefighters' agreements where they have no General Fund exposure to either one. They have firefighters at the airport but they're paid for by special funds out of landing fees. So I think this is...this is certainly one of them. I was just wondering whether we had anything else in the works and I believe Corp. Counsel was going to be taking a look at it as well, so.

CHAIR VICTORINO: Yeah. I think to answer your question this was a first step and I thought that this is what really what I thought we wanted to have representation first and foremost at the table so that we understood what was going on. As far as the number of votes and all of the other issues, that would be, and I'll be honest, I did not put that in because before I took, you know, the old saying you take one baby step at a time. I didn't want to take a quantum leap and get everything thrown out the door. I felt like this would be maybe the first step for us to really get a better understanding of what's going on and to be at the table to know what's going on and having a representative from each council there. And then, you know, we could look at other issues such as the number of votes and other collective bargaining challenges that we face. Now, if you want to include that and --

COUNCILMEMBER WHITE: But what I ...

CHAIR VICTORINO: --and bring more up that's fine with me, too.

COUNCILMEMBER WHITE: Well, the reason I'm interested in those two agreements is that, and the vote count I should say, is that my recollection is that the...we have the same set of circumstances this time that we had during the last negotiation. There was an announcement of a significant surplus at the State level and that was used to generate funding...generate approval of the arbitration award in some of the contracts that the

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State has no exposure to. So using a State surplus to generate approval of arbitrated agreements or arbitrated decisions on County-funded positions just didn't seem right to me. And I think that's something that we can...we could probably make somewhat clearer although our success with the TAT doesn't necessarily suggest that this would be received with any greater level of acceptance. So anyway, I think the fact that we've got 14 contracts coming up this year, we should be looking for ways in which we can be participating at the table which this bill does but I think we need to also be looking at some other items and we never know what might pass but I think it's worth a shot. Because we have the same set of circumstances this time around with a big surplus at the State level driving...that could drive some arbitration awards.

CHAIR VICTORINO: Okay.

COUNCILMEMBER WHITE: Thank you.

CHAIR VICTORINO: No, and I think I got the message and I think what I was trying to do is take one step at a time but I understand what you're saying, maybe we need to add more to this step.

COUNCILMEMBER WHITE: Yeah, I think what I would like to do is I would like to have Corp. Counsel assist us with what they feel we should be targeting as, you know, what items we should target over a period of time and possibly then decide which of those we should take first or whether we should try to throw all of them in the hopper.

CHAIR VICTORINO: Okay. If there's no objection, then I will defer this matter until we can get a better, you know, with Corporation Counsel as far as what they would feel something that...what the priorities would be in this respect.

COUNCILMEMBER WHITE: You know you mentioned a timeframe within which these need to get into the HSAC package but I'm assuming that that timeframe can be massaged a little bit.

CHAIR VICTORINO: Well, just because I'm the president I can't always promise you that, okay. I love this, you know. You know I've been pushing the other counties to get theirs in and so --

COUNCILMEMBER WHITE: Yeah.

CHAIR VICTORINO: --I would hate to be the example that I don't want to be but I know what you're saying, you know, and not much because again I would say we have to have something together by October so that November we can really have our package ready to go out. Once the elections are done we'll know what we need and who we're going to be dealing with. So that would be my most limited timeframe if you want to use that term.

COUNCILMEMBER WHITE: Because I...and the reason I'd like to take some time on developing this part of the package especially because I think it's...it is a critical item.

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And I think it's important that we provide the scope of the challenge with collective bargaining because the...if the State is not helping us control costs on one hand and is not helping provide additional revenue through the TAT, it puts the counties in a really, really tough position. Because as you recall when we were presenting the TAT last year, we had gotten a \$2.2 million increase over an 8-year period and during that same timeframe the cost for the 4 counties to operate just police, fire, and parks had increased by \$170 million. So again they're not helping us control costs and they're not giving us additional revenue. So they're putting us in a position of having to go back to our own taxpayers once again for costs that should be borne by the TAT and by visitors. So anyway, that's just my thoughts. Thank you.

CHAIR VICTORINO: Okay. No, no, I can --

COUNCILMEMBER BAISA: Chair?

CHAIR VICTORINO: --I will defer this and we can, you know, come up with something more relevant and it will probably not make the HSAC deadline, well, let's see what happens from that point. Yes, Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much, Chair. I don't want to muddy this too much 'cause we'll defer but in the process of looking at what we're going to bring back I don't want us to forget that we had a big issue here and should not...and should the Councilmembers not be put on this employer group because for whatever, it doesn't fly, was the issue of confidentiality that I would like to have addressed. Because there seems to be a misunderstanding and somewhere in this revision if we're going to do it I want to make sure that, you know, the negotiations that are going on can be shared with councils in executive session. I think that should be clear.

COUNCILMEMBER WHITE: And that's a good example of part of our discussion that I think has to be dealt with.

COUNCILMEMBER BAISA: Because, you know, it's ambiguous --

COUNCILMEMBER WHITE: Right.

COUNCILMEMBER BAISA: --and so, everybody says well, we cannot. Well, can we or can't we?

COUNCILMEMBER WHITE: Right.

CHAIR VICTORINO: Well, I believe what they were saying in open session it could not be. I don't think they ever said we couldn't go into executive session and discuss it.

COUNCILMEMBER BAISA: No, they did. They refused to tell us even in executive session.

CHAIR VICTORINO: I don't recall that.

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COUNCILMEMBER BAISA: They did.

COUNCILMEMBER WHITE: Yeah.

CHAIR VICTORINO: 'Cause it does not specifically say in the law, in the HRS that it is restricted.

COUNCILMEMBER BAISA: Correct and that's why I want --

CHAIR VICTORINO: It is not.

COUNCILMEMBER BAISA: -- it clarified because ...

CHAIR VICTORINO: Yeah because again in executive session, you know, I don't remember that but okay let's say you guys all remember that, you know, again in executive session it's us and our people and nobody else.

VICE-CHAIR COUCH: Mr. Chair?

CHAIR VICTORINO: Yeah.

VICE-CHAIR COUCH: They mentioned that they signed a confidentiality agreement.

COUNCILMEMBER BAISA: Yes.

CHAIR VICTORINO: That's correct.

COUNCILMEMBER BAISA: That they couldn't.

VICE-CHAIR COUCH: And that they couldn't tell so we have to somehow allow for that agreement not to include us either by State statute or change the agreement kind of thing.

COUNCILMEMBER WHITE: Exclude us.

VICE-CHAIR COUCH: That's where it was.

COUNCILMEMBER WHITE: I think exclude us.

COUNCILMEMBER BAISA: Or ...

VICE-CHAIR COUCH: Exclude us from the confidentiality.

COUNCILMEMBER BAISA: Right or if we are included in the membership then we don't care because we'll be there but if we're not in the membership we have some right to know I believe and I want it clarified.

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COUNCILMEMBER WHITE: Correct.

CHAIR VICTORINO: Okay.

COUNCILMEMBER WHITE: I think that's a really very critical item because they won't tell us --

COUNCILMEMBER BAISA: Yeah.

COUNCILMEMBER WHITE: --anything.

COUNCILMEMBER BAISA: Nothing.

VICE-CHAIR COUCH: Zero.

COUNCILMEMBER WHITE: And, you know, Chair, they've also gone so far as to refuse to tell us things after the fact, after the agreements are in place they won't tell us things. And I find that to be really concerning because at that point it's public record and our own management side is not sharing information with us as funders. And I'll just reiterate that I asked for a copy of the arbitration award and I was told I couldn't have it. And so, you know, we decided to make it a FOIA request which we can do as a private citizen. How is it that the funding body can't get a copy of something that the public can get?

CHAIR VICTORINO: That's why we cannot attend meetings as Members 'cause the public can attend and we can't. You just asked me and I just thought I'd bring that up.

COUNCILMEMBER WHITE: Yeah.

CHAIR VICTORINO: But I understand where you're going, Mr. White, with this and so with that in mind again let's see what I can work out with Corporation Counsel and come up with something more inclusive with all of these different items but I don't know how much. I mean if you start throwing a lot of it in there I'm not sure what the, you know.

COUNCILMEMBER WHITE: Well, I think the challenge is that we're facing 14 new contracts --

CHAIR VICTORINO: Understood.

COUNCILMEMBER WHITE: --at the end of this year and we're facing a significant increase on County expenses because the State has such a large surplus. So that just means that once again we're going to have exposure to the potential of public unions getting significantly better increases than the private sector folks that support all the taxes. And I just...I find that really hard to accept.

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CHAIR VICTORINO: No, I agree with you. I understand and so with no objection, I'm going to defer this matter.

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

VICE-CHAIR COUCH: Mr. Chair, before we go too far is there...are you going to be able to get something back to us to get to there? Because I think because we have those 14 agreements this year that we need to really try and get something in at this legislation even if it's just this for now and then we can add on to it later. I'm real concerned that we won't get anything for this HSAC package and by then...by the time we get something in those 14 negotiations will be done.

CHAIR VICTORINO: Mr. White?

COUNCILMEMBER WHITE: Chair, I'd like to think that we could get something done by the time the HSAC needs to vote on it and I think...I agree with Mr. Couch, we have to get it done this year and I think we should, if the other counties are waiting for us to provide something then I say we do our best to do so.

CHAIR VICTORINO: And I think Ms. Baisa can attest to that, that was the general feeling. We brought it up. They said well, you take the lead and get back to us.

COUNCILMEMBER BAISA: That's correct.

CHAIR VICTORINO: Yeah.

COUNCILMEMBER BAISA: So, you know, even it takes something special we better do it because if we miss this we miss it.

COUNCILMEMBER WHITE: Yeah, and it's important enough, Chair, that I would be more than happy to schedule a special meeting just for this.

COUNCILMEMBER BAISA: Yes.

VICE-CHAIR COUCH: Yeah.

CHAIR VICTORINO: Oh, thank you.

COUNCILMEMBER WHITE: No, I'm talking about a Council meeting. I'm sure you would do so the same with yours.

CHAIR VICTORINO: Yeah, I would need to schedule something special and so long as all the Members are willing to be there I got no problem okay. Again, I'm trying to move this along because I think this is so very important and I'm glad to...I'm happy to say we're taking the lead, other counties have just kind of sat back and they're now looking at us to take that leadership. So I want to make sure we get something appropriate. Okay. So I will defer this matter and, Mr. White and Corporation Counsel, let's go

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work on something and get something out ASAP and maybe have a special meeting yeah. Yes, Ms. Cochran?

COUNCILMEMBER COCHRAN: And, Chair, real quickly, and if we...if this does happen that a Member from the Council gets to participate in the negotiations that that particular person can come back and share with the rest of us what was discussed in that meeting --

COUNCILMEMBER WHITE: In executive session.

CHAIR VICTORINO: In executive session.

COUNCILMEMBER COCHRAN: --so we all, in executive, so we all are, yeah ...

CHAIR VICTORINO: Well, that's the whole purpose behind of this.

COUNCILMEMBER COCHRAN: Right.

CHAIR VICTORINO: Yes.

COUNCILMEMBER COCHRAN: But I mean currently I guess that's not how it works and if we --

CHAIR VICTORINO: Yeah.

COUNCILMEMBER COCHRAN: --want to make sure that even the person chosen from here to be there can come back and share.

CHAIR VICTORINO: Yes, yes.

COUNCILMEMBER COCHRAN: So that's important.

CHAIR VICTORINO: Yes. Okay.

COUNCILMEMBER COCHRAN: Thank you.

CHAIR VICTORINO: Very good. So we'll defer this matter and we'll probably have a special meeting in the not-too-distant future so be aware that we will do that.

**ACTION: DEFER pending further discussion.**

CHAIR VICTORINO: Let's move on to the next item. The next item is the Committee is in receipt of a correspondence dated August 30, 2016, from Councilmember Elle Cochran, transmitting a proposed resolution entitled, Approving for Inclusion in the 2017 Hawaii State Association of Counties Legislative Package a State Bill to Include Automatic Voter Registration for Applicants for Driver's Licenses and State

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Identification Cards. The purpose of the proposed resolution is to approve for inclusion in the 2017 HSAC Legislative Package a proposed State bill attached to proposed resolution as Exhibit "A" entitled, A Bill for an Act Relating to Voting. The purpose of the proposed bill is to include automatic voter registration for applicants for driver's licenses and State identification. Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you very much, Chair, for bringing this one forward also. And I guess just trying to highlight, you know, President Obama in February mentioned that he would love to see an automatic voter registration, the new norm across America, and I think it's just following, you know, making voting more accessible and convenient for the people. I think our walk-in voting and mail-ins have been very convenient for our working, you know, our working community. There's been some states who have, I guess, Oregon's already incorporated this and they've added 15 more eligible citizens to their voting rolls, and for every 1 person who declined to opt-out. California, Vermont, and West Virginia are also passing this automatic registration laws and 20 other states are also considering this. So it kind of falls into place also I guess Representative Ing's introduction of his bill that created the same-day voter registration concept and that seems to be quite useful for people. And overall government has stated that the cost will decrease. Increases for accuracy, and security will improve and will curb the potential for fraud. So these are to me some very key positive points in this action here today so I'm looking for some support. Thank you, Chair.

CHAIR VICTORINO: Thank you, Ms. Cochran, and you make some very good points but I will make one point, I still don't believe registration is the key. It's getting people to come out and vote. We've got 92,000, nearly 92,000 registered voters in Maui County and we had less than 30,000 vote. So I don't see the problem as being registration at this point as much as getting people out to vote. And even the same-day voting as Mr. Ing and the former Governor Abercrombie signed into law it did not seem to have changed that, and we were low but the rest of the State wasn't much better. And so and I'm not knocking what you're saying. I think it's something that in time will, you know, will be an easier way for people to register to vote but registration in my mind is not the real challenge, it's getting people out to vote and why aren't they voting. You know we've done it walk-in, mailing. I mean we've done everything we could to make it convenient and still we fall very short. And I'm disheartened in that respect. I am very disheartened in that respect. So I will open the floor up to discussion. Mr. White?

COUNCILMEMBER WHITE: Thank you, Chair. The question I had was whether it's possible to get a State ID if you're not a resident or a driver's license if you're not a resident. I don't know that you can but I'm just wondering if there's any --

CHAIR VICTORINO: I guess I would have to ask that to Staff.

COUNCILMEMBER WHITE: --challenge with that because if you get registered to vote by getting a State ID but you don't live here. I've heard of people getting a State ID that don't live here. I just...I think that's a clarification we would need to have before I

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would be comfortable supporting that. I generally agree that we should be registering as many people as we can but just that question. Ms. Cochran might have an answer for that.

CHAIR VICTORINO: Ms. Cochran, do you have any response to ...

COUNCILMEMBER COCHRAN: Yeah, well, I would...it would need to be eligible, registered eligible citizens per se, not just anybody trying to get a...I think Ms. Baisa was saying golf, you know, privileges from ID card or shopping privileges from --

COUNCILMEMBER WHITE: Right.

COUNCILMEMBER COCHRAN: --just as a part-time resident sort of person but they would need to be registered, I mean citizens, eligible citizens.

COUNCILMEMBER WHITE: But how do, I guess the question is how...if part-time residents are getting State ID and registered to vote here, how are we going to keep them from voting absentee from Minnesota?

CHAIR VICTORINO: Good point. That's a good point.

COUNCILMEMBER WHITE: And I don't know.

CHAIR VICTORINO: Ms. Baisa? I'm sorry are you finished?

COUNCILMEMBER WHITE: Yeah, I'm done. Thank you.

CHAIR VICTORINO: Okay. Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much. That's where I was going. I have personal knowledge of people who live here part-time, they're part-time residents and they want to go to the County golf course so they get either a driver's license from Hawaii or get a Hawaii State ID so that they can qualify for resident rates. And I am totally in support of registering people and having them...allow them to vote but I don't want to mix up our statistics any more than they already are. I mean it's just a big fat mess of, you know, who lives here, who doesn't, who's entitled to these benefits. And I don't know, it just is another open situation. If we could somehow get them to swear that they live here that would help but we don't know and it gets messy 'cause they probably are voting in their home state 'cause they're only here part-time but want the benefits of residents.

CHAIR VICTORINO: You know with this being brought up and, you know, in, you know, Ms. Cochran, if you don't mind I think this is one of those I'd like to defer 'cause I think we have to get some more information on this matter. So, Ms. Cochran?

COUNCILMEMBER COCHRAN: Yeah, thank you, Chair. And if you don't mind when that opportunity arises again I'd like to get Josiah Nishita from County Clerk 'cause he

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does have information to help us get more clarity as to how this would operate and work --

CHAIR VICTORINO: Okay.

COUNCILMEMBER COCHRAN: --in a good way. And so, you know, providing electric bill and some type of residency proof that you are literally here and have residence here and are of here kind of proof.

CHAIR VICTORINO: Well, I don't know about that electric bill and all that because I know of people and I going say that who are part-time who own condos and have it under their name or own a home, have the bill under their name but they don't live here. They're not residents of Maui County. So I would be careful but I would call upon Josiah for more information.

COUNCILMEMBER COCHRAN: Okay.

CHAIR VICTORINO: So, I would --

COUNCILMEMBER COCHRAN: Yeah, if we can put him ...

CHAIR VICTORINO: --you know I'd like to defer this matter 'cause I got more...I got a few more things I think I'd like to try to conclude.

COUNCILMEMBER COCHRAN: Sure.

VICE-CHAIR COUCH: Something real quick if you could --

CHAIR VICTORINO: Yeah, real quick.

VICE-CHAIR COUCH: --swap out Page 2 line 11, each county clerk shall adopt rules to turn it to "may" because they may not need to adopt rules.

CHAIR VICTORINO: You know what I'm going to just defer the matter if you don't mind and that way I can get it clean and you have Josiah and others come up and give us what we need to find out, yeah.

COUNCILMEMBER COCHRAN: Sure.

CHAIR VICTORINO: So with no objection, I'm going to defer this matter.

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

**ACTION: DEFER pending further discussion.**

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CHAIR VICTORINO: Okay. Alright, let's move on to the next item and I believe the next item is the Committee is in receipt of a correspondence dated August 30, 2016, from myself, transmitting a proposed resolution entitled, Approving for Inclusion in the 2017 Hawaii State Association of Counties Legislative Package a Bill Relating to Important Ag Lands. The purpose of the proposed resolution is to approve for inclusion in the 2017 HSAC Legislative Package a proposed bill attached to the proposed resolution as Exhibit "A" entitled, A Bill for an Act Relating to Important Ag Lands. The purpose of the proposed bill is to allocate \$250,000 to the counties for the next two fiscal years provided that these counties appropriate matching funds for the same purpose to assist in identifying and mapping of Important Ag Lands. And this I think has become very important here in Maui County, well, I think throughout the State. So, I will open up the floor. Ms. Crivello?

COUNCILMEMBER CRIVELLO: Thank you, Chair. I can appreciate the State Legislature appropriating these funds. What I don't...I don't know why we have to have matching funds because a couple of sessions ago or maybe it was last year I worked with the Planning Department as well as the State Land Use Commission or Office of Planning and they agreed to about 250,000 should suffice hiring of a consultant I guess to work on this IAL. So if we are...do we also have to come up with the 250,000 before the State would appropriate such funds?

CHAIR VICTORINO: I think the purpose of the matching funds was really to make sure that that carrot was dangled in front of the State so that they would do it and that we could get this process started. Because again for Maui County and for the other counties but more so for us it was so important that we get this moving. And this is...the planning directors have discussed this and this is one of the recommendations coming from our Planning Director and other State planning, other county planning directors.

COUNCILMEMBER CRIVELLO: So our Planning Director in your discussion is saying that they need more than 250,000?

CHAIR VICTORINO: They may, they may. So then they, you know, again, you know, they're saying they're not sure, 250,000 is what was discussed last time and so they wanted to make sure that that if it's necessary, if more is needed that's fine. If not, you know, obviously we're not going to spend more money than we'd have to but we need, you know, the whole thing was I think to really incentivize to the State that we're willing, we're committed. We want your commitment so we can get this job done.

COUNCILMEMBER CRIVELLO: Okay. I don't appreciate providing, in other words saying that we have to appropriate matching funds. I can see that whatever legal term that the possibilities we can provide the matching funds but we want the State to come up with the monies in itself.

CHAIR VICTORINO: Okay, if you want I can remove that.

COUNCILMEMBER CRIVELLO: That's just my opinion.

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CHAIR VICTORINO: Fine, I'll remove that then and so we will just say for the purpose of the proposed bill is to allocate \$250,000 to the counties for the next 2 fiscal years. And we'll remove the rest.

COUNCILMEMBER CRIVELLO: That's good with me.

CHAIR VICTORINO: If that will get it done, let's get it done. Okay.

COUNCILMEMBER CRIVELLO: I don't know about the other Members.

CHAIR VICTORINO: Okay, so I don't know if you have any other questions. Member White?

COUNCILMEMBER WHITE: Thank you, Chair. I agree with Ms. Crivello because the Important Ag Lands issue is essentially without them providing funding is another unfunded mandate from the State. And if they're not going to provide us TAT in any great amounts then if they want us to do it let them fund it.

CHAIR VICTORINO: Okay.

COUNCILMEMBER WHITE: Thank you.

CHAIR VICTORINO: Okay, so --

COUNCILMEMBER GUZMAN: Chair?

CHAIR VICTORINO: --if there's no objection then that's the way the bill will...will read.

COUNCILMEMBER GUZMAN: Yeah, no objections either.

CHAIR VICTORINO: Okay.

COUNCILMEMBER GUZMAN: Yeah.

CHAIR VICTORINO: I just want to make sure that we move this along. Go ahead.

COUNCILMEMBER GUZMAN: There's another I guess component...there's another issue with the Important Ag Lands. There's a triggering mechanism that once the counties, they're required to do incentive programs first before the monies can be allocated. So I think a lot of times when we go in to request the funding the State would have an argument to say look you haven't even started on your incentive program. So I've been, you know, when Ms. Crivello had brought this forward I had met with the Planning Department to see where they were on the status of that and they weren't moving either. So we all need to be on the same page. If we're going to be asking for the 250,000 we need to be onboard and ready to go on our end and, you know, like I said in the statute itself that's a triggering mechanism. Once we complete the incentive programs then it requires the State to move forward on their part, so. Thank you, Chair.

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CHAIR VICTORINO: According to our Director and meetings with other planning directors that they are ready to move on, on this that's why this was brought forward. So, you know, so I will strike the language and so that it will just read, for the purpose of this proposed bill is to allocate a total of 250,000 to the counties for the next two fiscal years and the rest would stay the same. Go ahead.

COUNCILMEMBER WHITE: Is it to each county?

VICE-CHAIR COUCH: No, 62,5.

CHAIR VICTORINO: I'm sorry?

VICE-CHAIR COUCH: No, it's 62,500 each.

CHAIR VICTORINO: Yeah, yeah, 250,000 will be divided by 4...into 4 counties.

VICE-CHAIR COUCH: Mr. Chair?

CHAIR VICTORINO: Yes.

VICE-CHAIR COUCH: You would also need to change Page 3 of the bill, the actual bill, line...delete the sentence, it starts on line 3 --

CHAIR VICTORINO: Okay.

VICE-CHAIR COUCH: --and ends on 5.

CHAIR VICTORINO: Okay, we can delete that.

VICE-CHAIR COUCH: Thank you, Chair.

CHAIR VICTORINO: Okay, yeah, because that also includes our participation, yeah. Okay. Thank you for that catch, Mr. Couch, yeah, so that we can delete that. Any other questions or any other discussion? Yes, you guys going 280 over there. Go ahead. Mr. White?

COUNCILMEMBER WHITE: Sorry, we have this little side comment or side conversation here but Mr. Guzman is mentioning that Kauai got their 250,000 and then the money stopped flowing. So Maui never got theirs. So I don't...I think that's something we need to verify --

COUNCILMEMBER CRIVELLO: Yeah.

COUNCILMEMBER WHITE: --and see which counties got monies and which are ...

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CHAIR VICTORINO: Members, I will defer this matter until we get all of these rectified. Thank you very much. With no objections.

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

CHAIR VICTORINO: Thank you.

**ACTION: DEFER pending further discussion.**

CHAIR VICTORINO: Moving right along. Okay the next one is the Committee is in receipt of a correspondence dated August 30, 2016, from Councilmember Elle Cochran, transmitting a proposed resolution entitled, Approving for Inclusion in the 2017 Hawaii State Association of Counties Legislative Package a Bill to Increase Revenue for Each Counties Affordable Housing Fund Through a One Percent Conveyance Tax. The purpose of the proposed resolution is to approve for inclusion in the 2017 HSAC Legislative Package a proposed State bill attached to the proposed resolution as Exhibit "A" entitled, A Bill for an Act Relating to the--throw me off you guys-- Conveyance Tax. The purpose of the proposed bill is to increase the revenue to the counties for affordable housing funds through a 1 percent conveyance tax on sales of residential properties over 700,000 for the next 5 years. Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. And we had quite a few testifiers this morning in reference to this particular item and had a chance to discuss a little bit about their concerns as in I think the number, the \$700,000 they felt was too low. And it was discussed that a million would probably be...first off they think this is going to fail no matter what but to give it a fighting chance to raise that amount of the 700,000 upwards. And so I'm willing to just bump it up clear to a million right now. I guess the discussion over on Oahu is that, you know, a million...they're even debating whether a million is a luxury number there. So we are trying to push this through that island and I think if that's going to give it a fighting chance then I'm willing to go there. I think something would be better than nothing. So overall this would, you know, put \$10,000 taxation on a million-dollar unit and, you know, for us here on Maui that's yeah, definitely we can define it as luxury. So the 700,000 came from actually a State study that showed the price of mainlanders purchasing homes at at least the starting rate was over 700. It was around 786 average price for mainland people, I'm sorry, foreigners, foreign buyers, and then mainland buyers dropped to 612,000 and then our local people 477,000. So that's where I grabbed that 700,000 number but, you know, if we want to make sure we're going to clear any local buyer from being caught in that net so to speak then I'm willing to push that threshold up to the million-dollar bracket at this time. That was one of the main I think issues that our testifiers had this morning so I want to just kind of cut to the chase as we're trying to do here before noon to get straight to the point. So that's one of my suggestions if that could work for people and again this is just something better than nothing in my eyes to put money in all the counties' coffers in order to address the housing situation which it's just one prong of the bigger picture as we all know and just see where it goes. Thank you, Chair.

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CHAIR VICTORINO: Okay, thank you, Ms. Cochran. So you heard the proposal to change from 700,000 to 1 million. Is there any objection to making that change first and foremost? Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair. Is that...it says for properties but you talked to some of our local families that have been here for a while that have...they've been here for a very, very long time that have stuff...land on the ocean. Their land is worth \$12 million, is that...but their house is not, not even worth a whole bunch. So the concern I would have would be would it be the value of the building or the value of the whole property? I would have some concern with the value of the whole property 'cause we're going to get those families, Mr. Tavares I think is one of them that would be in here complaining.

CHAIR VICTORINO: Well, Ms. Tavares. Mr. Tavares has passed. I'm talking about the one in Kihei, the one you're referring to.

VICE-CHAIR COUCH: No, the one in Paia.

CHAIR VICTORINO: Oh, Paia, that's a different one. The Mrs. yeah, yeah. Well, you said Mr. Tavares 'cause I was thinking of our friends in Kihei who had this problem with their property exactly what you're referring to. So ...

VICE-CHAIR COUCH: I just brought that up for conversation.

CHAIR VICTORINO: Okay.

COUNCILMEMBER COCHRAN: Chair? Chair, real quick. I have an explanation or comment to Mr. Couch's concern. So it's the sale, right, it's when a person actually sells. This isn't like an ongoing real property tax type of taxation. It's when a buyer, I mean the seller, and so it's kind of the burden on the buyer, the person who's purchasing the property. So that's where that...so the local family whose selling is not being burdened one bit. They're actually getting more. They'll be getting more money or the seller.

VICE-CHAIR COUCH: Okay.

CHAIR VICTORINO: Okay.

COUNCILMEMBER COCHRAN: So that's that. Thank you, Chair.

CHAIR VICTORINO: Anything else? So with no objection, I'll put in the 1 million.

COUNCILMEMBERS: No objections.

CHAIR VICTORINO: Okay. Any further discussion? If not I will make my recommendation.

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COUNCILMEMBERS: Recommendation?

CHAIR VICTORINO: I would like to entertain a motion for the proposed resolution Approving for Inclusion in the 2017 Hawaii State Association of Counties Legislative Package a Bill to Increase Revenue for Each County's Affordable Housing Fund Through a One Percent Covenants Tax...Conveyance Tax...instead of covenants, conveyance tax.

MS. WILLENBRINK: As revised.

CHAIR VICTORINO: As revised.

COUNCILMEMBER COCHRAN: Chair, so moved.

COUNCILMEMBER CRIVELLO: Second.

CHAIR VICTORINO: It's been moved by Ms. Cochran, seconded by Ms. Crivello. Any further discussion? Yes?

COUNCILMEMBER WHITE: Just a question, maybe Ms. Cochran knows the answer to this. Is there anything in the bill that would require the State to send the money back to the generating county?

COUNCILMEMBER COCHRAN: Yeah, I would...yes. Let me...I can't point it out exactly on what page.

VICE-CHAIR COUCH: Page 5 line 3.

COUNCILMEMBER COCHRAN: Thank you, Mr. Couch.

COUNCILMEMBER WHITE: Okay, okay.

COUNCILMEMBER COCHRAN: Yeah and thank you for inquiring 'cause that's super important that we get what we put in.

COUNCILMEMBER BAISA: Yes, give us our money.

CHAIR VICTORINO: In other words it would...whatever funds are generated by each county would be returned to that county, that 1 percent.

COUNCILMEMBER WHITE: Right.

CHAIR VICTORINO: Okay, so that way, you know, no one is getting somebody else's fund, 1 percent I should say, right?

COUNCILMEMBER COCHRAN: Yes.

CHAIR VICTORINO: Okay. Okay.



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back, what I would ask...I will be sending out a poll for a certain day with the approval of the Chair for this special meeting. And I would look, gang, to be...I hate to say a whole day because I don't want to go a whole day but I think we may have to. It just gets so, you know, engrossing and you don't get in three hours what you need to get done. So that was my plan with your permission and we will be polling and I hope all of you can make it...make yourself available 'cause I'd like to get not only those that are not completed but those that we deferred, and as well as the Maui package. And those changes can be made to the Maui package for those that have been completed with the HSAC package. So with no objections, I will defer the remaining items on the agenda and we will be getting back to all of you very shortly as far as a special meeting to try to get this completed. And if you have any other information you'd like to share, please forward it to the Committee Secretary or the Committee I should say Analyst and so that we can continue to move on. So with no objections...

COUNCILMEMBER WHITE: Chair?

CHAIR VICTORINO: Okay. Yes, Mr. White?

COUNCILMEMBER WHITE: Since we've had enough discussion on the other items to know what information we need for the next meeting I think it might be appropriate to ask if there are Members that have information that they need for this last item. You know there were a number of comments made on the fact that they need another bite at the, you know, another option or opportunity to question things at the State Land Use Commission. It might be appropriate for us to have some information from the Planning Department as to exactly how many times projects come up for review, whether it's at the, you know, at the State Land Use or Planning Commission or at the Council and, you know, obviously everything comes through the Council for zoning if not community plan and island plan.

CHAIR VICTORINO: Okay.

COUNCILMEMBER WHITE: So my understanding is this does not do anything for zoning. It just simply makes the General Plan or the most recent plan consider the urban or rural assignment of entitlement. So it just simply leaves out what I believe is about a year-and-a-half process at the State Land Use Commission.

CHAIR VICTORINO: I'll bring the Planning Director and I'll make sure that we get that clarified and ...

COUNCILMEMBER WHITE: That would great. Thank you.

CHAIR VICTORINO: Yeah and that way he'll be available to clarify that when we get to that at our next meeting. And then the rest of 'em we will work on between myself and you and Mr. Kushi on the other items and try to come back with what I call directive where we want to go with this change. And that way hopefully we can come to some conclusions. I don't know if my colleagues are going to bite on it on Oahu but I'll do my best to sell what we are trying to get accomplished here. Okay. Yes, Mr. Couch.

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VICE-CHAIR COUCH: Thank you, Mr. Chair. And in regards to some of the testimony in there, if there...if you can figure out language in there, in Section E Page 4 that talks about urban growth and rural growth boundaries. That's what we're trying to discuss, not just in general the General Plan because the testifier is correct, the General Plan is kind of influx all the time with the community plan. So if in Section E there we can talk about our urban growth and rural growth boundaries that would be more specific in exactly what we're trying to do.

MS. WILLENBRINK: Can you point me to the correct page, please?

VICE-CHAIR COUCH: Page 4 line 12.

MS. WILLENBRINK: Thank you very much.

VICE-CHAIR COUCH: And I can work with you and maybe if you work with the Planning Director as to how to fit that language in there.

CHAIR VICTORINO: I would prefer her work with the Planning Director.

VICE-CHAIR COUCH: Yeah.

CHAIR VICTORINO: Yeah, please.

VICE-CHAIR COUCH: Yeah.

CHAIR VICTORINO: Okay and then we'll go from there. If you have any ideas you can submit it --

VICE-CHAIR COUCH: Yeah, absolutely.

CHAIR VICTORINO: --you know then that's not a problem.

VICE-CHAIR COUCH: No, I can't until two days before that.

CHAIR VICTORINO: Here we go. Okay.

VICE-CHAIR COUCH: Thank you.

**ACTION: DEFER pending further discussion.**

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

CHAIR VICTORINO: So with no objections, we deferred all these other matters and I will adjourn today's meeting.

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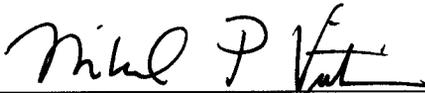
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**ACTION: DEFER (no discussion).**

CHAIR VICTORINO: And thank you very much for your patience. I'm sorry we tried to do so much and as we find out it's not always possible but we'll keep trying. This meeting is adjourned. . . .(gavel). . .

**ADJOURN:** 12:06 p.m.

APPROVED:



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MICHAEL P. VICTORINO, Chair  
Policy and Intergovernmental Affairs Committee

pia:min:160906:cs

Transcribed by: Cathy Simmons

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CERTIFICATE

I, Cathy Simmons, 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 this 27<sup>th</sup> day of September 2016, in Wailuku, Hawaii.



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Cathy Simmons