

# PLANNING COMMITTEE

Council of the County of Maui

## MINUTES

October 4, 2018

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

**CONVENE:** 9:13 a.m.

**PRESENT:** Councilmember Kelly T. King, Chair  
Councilmember Yuki Lei K. Sugimura, Vice-Chair (in 9:51 a.m.)  
Councilmember Elle Cochran  
Councilmember Stacy Crivello  
Councilmember Don S. Guzman (in 9:43 a.m.)  
Councilmember Mike White

**EXCUSED:** Councilmember Riki Hokama

**STAFF:** Traci Fujita, Legislative Attorney  
Rayna Yap, 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.:** Michele Chouteau McLean, Planning Director, Department of Planning  
Clayton Yoshida, Planning Program Administrator, Department of Planning  
Paul Critchlow, Planner V, Department of Planning  
David Galazin, Deputy Corporation Counsel, Department of the Corporation Counsel

**OTHERS:** Autumn Ness (PC-8)  
(4) additional attendees

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

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CHAIR KING: . . .(gavel). . . Good morning. Sorry for the delay. This is Kelly King, Chair of the Maui County Council Planning Committee. We've been waiting for a quorum. So, we now have four members in the Chambers. And we're gonna go ahead and start this meeting of the Planning Committee for October 4, 2018, coming to order at 9:12. Please everybody in the Chambers silence your cell phones and other noisemaking devices and the meeting will come to order. In attendance, we have Member Elle Cochran. Thank you for being here, Ms. Cochran.

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COUNCILMEMBER COCHRAN: Good morning, Chair.

CHAIR KING: Member Mike White. Thank you for being here, Mr. White.

COUNCILMEMBER WHITE: Good morning, Chair.

CHAIR KING: And Member Stacy Crivello in the Chambers. And Riki Hokama is excused. We are expecting other Councilmembers to arrive, but Mr. Hokama is the only excused Member. He's at the HSAC meeting. Okay, we have no non-voting members in attendance. The Administration, from the Department of Planning, we have Michele McLean, Director.

MS. McLEAN: Good morning, Chair.

CHAIR KING: Good morning. We have Clayton Yoshida, Planning Program Administrator. Good morning, Mr. Yoshida. And we have Paul Critchlow, Planner V. Good morning, Mr. Critchlow. You can just indicate who you are so people will know. And for our Corp. Counsel, we have David Galazin. Thank you for being here. Appreciate it. Mr. Hopper is still on paternity leave. Great. Thank you to my Committee Staff, Traci Fujita, who's our Legislative Attorney, and Rayna Yap, who's our Committee Secretary ran around looking for the rest of our membership, I guess. I also want to thank my staff in my office, Kate Griffiths, who's done a lot of research for our item today for planning permits and trying to codify some of the information. And my other staff is Susan Foley and Terra Foti. So, thank you to staff. Members, we have two items on today's agenda. We have PC-10, which is an update on Grants Under the Department of Planning and Benchmarks for Grantee Performance. That's the first item and the second item is PC-8, which is the broad issue of Department of Planning Permits. And this is kind of a review of what's out there that has been recommended to date for streamlining the permit process, which is something that keeps being talked about, but we still have not made significant progress on in my opinion. Okay, I'd like to begin with public testimony. First, before I go through all the rules and regulations, I'll check with my staff to see if we have any testifiers in the audience in the Chambers. Traci?

MS. FUJITA: We have one person signed up to testify today on PC-8, Autumn Ness.

CHAIR KING: Okay, and I'm not going to go through all rules because I'm sure you know, Ms. Ness, but thank you for being here.

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

MS. NESS: Aloha, Committee, my name is Autumn Ness. Sorry, I just ran down the hallway. I'm a little bit out of breath. I want to testify today on PC-8. And thank you to Chair for scheduling this today. The Committee already knows that this is a topic that's close to my heart because of our work on the housing TIG, which led us to know unequivocally that the permitting process problems are a major contributor to the high cost of housing

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in any construction actually. And to bring housing costs down, we have to fix this problem. We talked about some of the solutions that came out of the TIG in HHT way back in March 2017. My memory of what was talked about that day was a little foggy, so I went to Legistar and went back to the video of that meeting mostly to get some refresher on what the commentary from the departments were. I wanted to see what they thought to remember about what they said about the feasibility of some of these solutions. Until I watched the video, I actually forgot that I testified at that meeting and helped to serve as a resource so a lot came back to me when I was watching that video. The video reminded me that I cut some family spring break camping trips short, and I showed up here in my camping gear, smelling like camp fire, and I came and testified on three solutions that came out of the TIG. They were all on the agenda. One was the catalog of preapproved building plans. One was a third-party permit review process that's used in the City and County of Honolulu. And the other one was a one-stop shop concept. My testimony was almost ten minutes long 'cause of all of those three items so rather than spare you the repeat I've printed it out and you should have it in front of you from the minutes of that meeting. My take away was that the Committee that day expressed a sense of urgency. Everybody on the floor that spoke that day talked about how important these solutions were. The Department's general, you know, idea was that these were feasible. They had done some preliminary research, they had some comments and some questions about how this would look in reality, but everybody in the room said that we owe it our community to implement these solutions and we have to do so swiftly because it's just that important. And that streamlining our permitting process would benefit literally everyone in this County, whether you're a company or your projects are big or small. I encourage you actually to go back to the video from March 23, 2017, so that you feel where I'm coming from because as I was watching it, I was like holy crap this is a year and a half now and we are literally in the same place that we were a year and a half ago after all of that talk. So, I'm here at this Committee to beg this body to take action on this item, not to just defer it, not just to have a conversation because that helps nobody, to produce some meaningful legislation to fix our permitting process. I'm here to beg the Department to not just give some fruffi commentary and then walk away from this. It's complicated, yes. But so is finding a house right now in this island, in this County. So, please let's use what's left of this session, two months, to produce some real legislation that's gonna help somebody. I can't really go back into the community anymore and tell them we're doing our best if we just have these discussions and then don't take any action. Thank you.

CHAIR KING: Thank you, Ms. Ness. Any questions from the Committee? If not, I have a question.

MS. NESS: Sure.

CHAIR KING: In that TIG because, I know, you were so involved with it, was there actually any legislation that came out of it or were they just broad recommendations to create some legislation? You know, I've looked through that and I didn't see any specific legislation that was created.

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MS. NESS: No, there wasn't. We were hoping that...we put the little road map like what it would take to get legislation put through. We were hoping that...for some of the solutions, we were told that legislation wasn't required that the departments could do so just as a matter of practice, you know, under admin rules, like the category. I mean, the preapproved plans and like, you know, that thing. They said there was something kind of similar that already existed so if they just tweaked it a little bit, I'm paraphrasing, apologize but if they just tweaked it a little bit it could be...it could serve the purpose that we wanted it to serve in the TIG. So, but all of that kind of just stopped, you know, so.

CHAIR KING: Okay. And then the other thing I wanted to ask you is was there any discussion of the previous, I know, previously they had at some point done that one-stop shop up in the Mayor's lounge periodically. I don't know if it was monthly or bi-monthly, but was there any discussion on that actual format that had happened? And whether to bring that back or another form of it back?

MS. NESS: In the TIG?

CHAIR KING: Right, I know there's the one-stop shop, but I'm just wondering if it made reference to the actual practice that had happened for a while that's not in practice in anymore.

MS. NESS: When the TIG was having the discussions, the thing that was in the front of the people's minds was like an actual place. So, the drawback of that was that you get caught up in like having to put a budget together to actually put this place together. So, when we were having the TIG discussions we weren't really aware of that one day a month thing that was going on. But because over the last year, two years maybe now, that the physical one-stop shop presents a lot of challenges because you need to get the money to make the space and rearrange all the, you know, so as we figured out how difficult that physical thing was going to be, the idea of having, you know, two times a month thing like that became, in my mind, more feasible, especially if it's things like basic ohanas or lanais or garages or something, you know, really small projects that should be able to be approved in half a day or something, you know.

CHAIR KING: Okay.

MS. NESS: Okay.

CHAIR KING: Thank you.

MS. NESS: Thanks.

CHAIR KING: Any other questions? No, okay. Traci, did we check with the other islands? Okay, I'll check one more time. Let's go to Molokai first, Ella Alcon? Did we lose them?

MS. FUJITA: Ella?

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MS. ALCON: Good morning, Chair. This is Ella Alcon on Molokai and there is no one here waiting to testify.

CHAIR KING: Okay, thank you. And Dawn Lono out in Hana, are you there?

MS. LONO: Good morning, Chair. This is Dawn Lono at the Hana Office and there is no one waiting to testify.

CHAIR KING: Alright, thank you. And Denise Fernandez on Lanai?

MS. FERNANDEZ: Good morning, Chair. This is Denise Fernandez on Lanai and there is no one waiting to testify.

CHAIR KING: Okay, very good. Thank you very much, ladies. Is there anybody else in the Chambers who wishes to testify?

MS. FUJITA: There's no one.

CHAIR KING: Okay. Alright then we will close testimony if there are no objections.

COUNCILMEMBERS: No objections.

CHAIR KING: Thank you.

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

**ITEM PC-10: GRANTS UNDER THE DEPARTMENT OF PLANNING AND BENCHMARKS FOR GRANTEE PERFORMANCE (MISC)**

CHAIR KING: And, Members, we are going to move into the first agenda item, which is the Grants Under the Department of Planning and which is not a real extensive list, I believe, and I'm gonna turn it over to the Planning Department. We received a memo from the Planning Department on the...sorry, Miscellaneous Communication, dated May 22<sup>nd</sup>. Do you have that on your...excuse me, just a minute. And, I believe, it discusses the grant for Tara Owens' position and some potential possible changes to move that position. Was that the intent of that, Ms. McLean?

MS. McLEAN: No, Chair, this was the proposal that UH Sea Grant submitted that we turned into a contract for this fiscal year.

CHAIR KING: Okay, and is that your only one?

MS. McLEAN: Yes, that's our only grant.

CHAIR KING: Okay, so, do you wanna go over...do you have any benchmark issues to go over with that position?

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MS. McLEAN: The proposal itself provides a history of the program and of the longstanding partnership between Sea Grant and the Department. It includes an FY '18 progress report and describes its goals, objectives, and activities, as well as a budget summary. Pages 3 to 5 of that document goes into a bit of detail on activities and their updates on their progress.

CHAIR KING: Okay. This is a position that how many years have we had this?

MS. McLEAN: Twenty-one years we've had the partnership with Sea Grant.

CHAIR KING: Okay. Yeah, this is a 21-year partnership and, I guess, one of the reasons I wanted to put this on the agenda, Committee Members, is because it seems to come up every year for, as a point of contention of whether we're going to continue to fund this. And so, I just kinda wanted to get from the Department the, and if you could just give us a few words, Department, on the value of this position, and, you know, if there's a way to maybe not institutionalize, but maybe we can do some kind of a longer-term grant than doing year-to-year and having one person who every year doesn't know if they're going to be funded again.

MS. McLEAN: That would be the Council's prerogative. As you indicated sometimes it's a struggle to get the one-year approved. So, we've been cautious and not proposed anything longer than that duration.

CHAIR KING: Do you have any...

MS. McLEAN: It would...we'd have to confer with Sea Grant to ensure that that's feasible on their side to enter into a grant agreement that's longer than one year, but we'd be happy to ask the question for sure.

CHAIR KING: Okay. Yeah, I think, that's something that we should look at if Sea Grant is willing to possibly extending it three years or something like so that it could be long-term planning. I think it's extremely hard to plan from year-to-year just in terms of one year to one year. And then the community, the, you know, the, especially the part of the community that worries about the coastal zones. It takes a lot of time, of their time, to come out and have to testify on this position every year, so, you know, that was sort of my main concern. Had you made any previous requests to do multiple-year funding for this, Ms. McLean?

MS. McLEAN: Not in the time that I've been with the Department. As I indicated sometimes it's a struggle to get the single year, so we didn't wanna --

CHAIR KING: Oh, you mean from Sea Grant?

MS. McLEAN: --over reach. Oh, no. I don't believe that we asked Sea Grant because we know what the process has been through the, through Council approval of our budget. And

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so, we never broached the subject because it was always challenging enough to get the single year.

CHAIR KING: Okay. Alright, thank you. Committee members, any comments or questions?

COUNCILMEMBER CRIVELLO: Chair?

CHAIR KING: Ms. Cochran?

COUNCILMEMBER COCHRAN: Chair, thank you. So, Chair, are you thinking we, as the County, just create a standing type of E/P position of sorts for this particular, you know, person? I mean, it's something that's...they're utilized heavily, in particular, West Maui. And it's invaluable, the work, the expertise, the bringing the community together. And I don't want to have to wonder and wish and hope and beg that this entity, this person, position will be funded year after year. It's going to be needed more and more and more due to the sea level rise, climate change issues that we are facing. It's not gonna get any better. So, to me, this is a position where I don't think...I wish it didn't have to be tied to a grant that we have to wonder about, you know. So, I wasn't sure if you were thinking along the lines, as Ms. McLean said, that it is in our purview to create. I think, we can, right, create? I mean, it would have to be in conjunction with Personnel and everything to...job descriptions and what have you to create this technically an E/P in the Department and then be funded. Yeah, if we can get a grant, great, but, you know, this County can kick in too because it's so, so important and critical at this time.

CHAIR KING: So, yeah, thank you. And that's sort of where I was kind of headed with this was looking at...but if we couldn't get the buy-in from the Budget Committee to go there with a new E/P position then, you know, maybe we can look at some kind of a multiple-year grant. Mr. White?

COUNCILMEMBER WHITE: Thank you, Chair. You know, the only hesitancy on the funding has always been that it's a State-funded position through the university. And we've always had an issue with State of, you know, assisting with State-funded positions because of the TAT issue. I don't think that it's ever been any real concern about the money itself or the expenditure itself because, I think, Tara over the years has proven herself to be a very valuable part of the planning process and the permitting process. And I'm not sure that she would want to be a County employee if she's a State employee, and then the university system I don't know what her employment situation is there, but, to me, it's structured the way it should be structured. And, I think, we just have to remember that any time we're talking budget and we're talking assisting the State with funding when they're not doing much to assist us, it's always gonna be a thorn in somebody's side. But, you know, we've all dutifully brought up the issue and then funded it. I'm not sure that it makes sense for us to try to make it an E/P without checking with her first and see if that's something that she would even be willing to engage in. But, you know, nevertheless she does great work and, I think, that the grant that we're doing now is well-justified and has been justified every year. So, I personally am not concerned about it getting continual funding. But if there appears to be a need for a change or a desire for a change we should at least ask her.

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CHAIR KING: Yeah, and I actually, I've not really got, I've kind of mention it to her before, I've not really gotten a clear one way or the other what she would prefer. But, you know, I just kind of wanted to...your input because you've been on the Council for a long time. As Chair, in looking at the process, you know, the process of her position not showing up on the budget and then having to put it back in the budget and things like that, but, you know.

COUNCILMEMBER WHITE: Yeah, just put TAT after it and that's the explanation.

CHAIR KING: Well, you know, and I look at it...there's two ways to look at it. There's, you know, we're supplementing a State position, but actually the way I look at it is that they're supplementing one of our positions because she's so valuable and she does most of her work in Maui County. So, I kinda look at it as this partnership, them helping us and, you know, if we could get multiple...and maybe they can, you know, maybe we can discuss funding...having them do the full funding for multiple years for that position since it is so valuable, not just to Maui County, but within the State of Hawaii. Everything that helps every county helps the State of Hawaii when it comes to what's happening with sea level rise and our Coastal Zone Management, so.

COUNCILMEMBER WHITE: I'm not sure about this, but we may have to change it to a contract instead of a grant if it's going to be multi-year, so.

CHAIR KING: Okay. That's good info, thank you for that.

COUNCILMEMBER WHITE: Thank you, Chair.

CHAIR KING: Ms. Crivello?

COUNCILMEMBER CRIVELLO: Thank you, Chair. So, I know we've talked and, I think, it came from you or your Committee as far as trying to set up a climate change kind of division or position or department. I note too that part of the project has to deal with climate change as Goal 4. And so, there's no question that Tara and the other people that deal with all of our coastal work does excellent work. And, yes, there are challenging times. I'm sure you can recall when some of us had to bring back the dollars that we would want to see this continue. But perhaps this is something that Planning would wanna to look into that have a more long-term contract with the State. And instead of every budget session going in for appropriations and sort of have something inclusive with the obvious climate changes that we're gonna have to mitigate and what we have to work with. Maybe that's a consideration that we'd like to do, Chair, on this part for, I guess, to really be able to retain the individual that we have working for this particular project. And if it is a project, perhaps it can be contractual, from another perspective if the employee or if Tara wants to remain with the State, we would contract the State, I guess, if that's how it goes, and have a partnership and collaborate it that way, yeah, to expand more because of what we're expecting with the ongoing climate changes that we're having. Thank you.



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CHAIR KING: Thank you, Ms. Crivello. And yeah, the proposal that you're talking about for a separate department or office did not come from me, but I remember discussing that in the Charter amendment. I think, it was PEA Committee about the pros and cons of creating a separate office when we already have an office under Department of Environmental Management that is supposed to be, you know, Environmental Protection and Sustainability and whether we strengthen that and try to put more of these issues which are not even described in that subsection or we create a separate entity. And there was discussion, the money it was gonna take. And, Members, I want to apologize that I came in a little bit handicap today because my eye is all swollen and I had a little incident with soap in my eye this morning, so that's why it's tearing up and I keep doing this. But did you have any comments, Ms. Cochran?

COUNCILMEMBER COCHRAN: No, but Mr. White brings up...jogs my memory and the discussions during budget amongst the thousands of other items we talk about. But, I know, we all take this position to heart and understand the value in it. And but, I think, yeah, the sticking point has always been the State this and the State that and what do they do for us. And I don't think her, you know, the position and the work that it does has been in question ever. But it is the funding part. But I've never...I don't think the State has ever, you know, made it sound like they wouldn't be giving us the money. But, I think, it's always been this talk about why are we, you know, so I don't know if are you hearing or feeling that there's potential funds being gonna be taken away in the near future or? 'Cause that's not...if I recall them ever wanting...did they try to cut it down and take it away? I don't...Ms. McLean has her hand up, but I'm trying to remember.

CHAIR KING: Ms. McLean, your response?

MS. McLEAN: Thank you, Chair. A couple of years ago Sea Grant asked for the County's grant to be increased from what it had been. It was relatively flat for several years and then a few years ago they asked for an increase. And that's when there was a lot discussion among the Councilmembers that this is a State position. Why are we paying for it? And the feedback that we got from Sea Grant—and this ties into the idea of having a multiple-year agreement with them—their funding originally comes from the Federal government. And so, if their funding gets restricted then that's less that they can contribute. And so, there were changes in their program that resulted in them having less money to contribute to this position and that's why they asked for our share to increase. It also involves personnel issues and the fringe that they are obligated to offer. Same with us at the County. And so, there was a lot of discussion at that time because the County's share went from it was about 78,000 to what it is now 104,000. So, we'd have to find out if Sea Grant would be in a position to do a multiple-year contract if they only get their funding on an annual basis. They might not be able to obligate themselves to a continued contribution of a certain amount. But, again, it's worth asking. And I don't think they've threatened to take money away, but what they're able to contribute is, simply isn't under their control. They have said though if the County isn't able to contribute what we are or at least in that ballpark that chances are they wouldn't be able to fund the position here on Maui and that we would lose that opportunity. And we work really, really well with those folks and they've come a few times. I think you're

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familiar with them. And that wasn't any sort of threat or posturing. It was, you know, truthfully they try to do with their budget as best as they can just as you folks do. So, there could be a concern that we would lose the position on Maui if we're not able to work out with Sea Grant the budgeting that works for both the County and the State.

COUNCILMEMBER COCHRAN: Okay. No, well, thank you for that background and, I know, there's a lot programs with this presidential administration that has been cut out and funds aren't as high priority as they have been in the past. So, it is scary to be tied to those decision makers, but I shall be visiting next month. So, I shall bring this up when I get there to the Federal level.

CHAIR KING: Yeah, unfortunately, I think, the words climate change have been cut out of their vocabulary as well so...

COUNCILMEMBER COCHRAN: Yeah, I'll try and use other words.

CHAIR KING: Maybe you can talk about our sinking island.

COUNCILMEMBER COCHRAN: Yeah.

CHAIR KING: But, yeah, no, so I wanted to bring this up because, I think, this needs to be, you know, there'll be a new Administration next year proposing a new budget. But it was, it's just been distressing to me and to the world of folks who are working on these things like, you know, Maui Nui Marine Resource Council. Why do we have to go every year and, you know, beg for this position to remain? So, that was...I think...is there anymore comments or questions on that one? Okay, and then the other issue, which is not morphed, to my knowledge, morphed into a grant, but I just wanted to get some feedback from the Department was the \$100,000 in the budget, in the Planning Department budget, that's in as a proviso for a possible stakeholder engagement phase, you know, contracting out to another entity so we can move quickly into the next community after...while we're doing West Maui Community Plan. So, just wanted to get some idea of whether that's happening or if there's intention to have that happen since the proviso says May?

MS. McLEAN: Yeah, thank you, Chair. It's not happening because the West Maui Community Plan process has gotten so far behind schedule with the Molokai plan only just recently moving out of Committee and with the West Maui CPAC members not being appointed yet. We haven't been able to get to a point with West Maui where we had hoped to be when this current year's budget was adopted. So, we won't be ready to do community engagement for South Maui in this fiscal year.

CHAIR KING: Okay, but wasn't that the point of putting this money in there so you could contract out to have somebody else do it, so you don't...so that can move ahead while you're focusing on West Maui? Ms. McLean?

MS. McLEAN: That was the point, but it still requires staff resources to be involved in that. We had actually requested a much higher dollar amount to contract out more work

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involved with the community plan so the smaller dollar amount we're really not going to be able to spend with the timing the way that it's looking now. So, it will remain unspent. And I'm pretty sure we made that clear during the budget process that it would be unlikely we'd be using it.

CHAIR KING: Okay. I don't remember that but any question, Committee Members, on that amount? Okay. Alright well if there's no other questions or comments on Item PC-10, we'll go ahead and close that item out and move on to...I'm sorry, Ms. Fujita? Yeah, we'll go ahead and defer those items and maybe work on some ideas for the Sea Grant issue.

**COUNCILMEMBERS VOICED NO OBJECTIONS.** (Excused: RH, YS)

**ACTION: DEFER PENDING FURTHER DISCUSSION.**

**ITEM PC-8: DEPARTMENT OF PLANNING PERMITS** (CC 17-151)

CHAIR KING: Okay, moving on to PC-8, Department of Planning Permits, and this is basically what you have before you, Committee. And Chair recognizes the presence of Mr. Guzman. Thank you for joining us. If you look at your handouts there is the handout that was provided by our testifier, Ms. Ness, that is titled Housing, Human Concerns, and Transportation Committee Minutes, and this is for...this is from March 23<sup>rd</sup>. This is the one she testified about. There's also a report that my office just finally finished yesterday called Streamlining the Permit Process. And this is basically codifying everything that's out there that relates to recommendations for streamlining the permit process. And I apologize for getting this done so late. You know, after we decided two weeks ago to put this on the agenda, we received a memo from the Mayor explaining that we...that he's retransmitted the attached employee communication dated June 18, 2014 to employees of the Executive Branch. So, basically what this is is a letter that was sent out September 27<sup>th</sup>. It's attached to another letter, memorandum dated June 18<sup>th</sup>, that outlines that there shall be no direct communication on matters pertaining to County business, official or otherwise, between administrative staff and employees of the Council. So, we had a little bit of difficulty in, you know, our trying to research and get a quick response from the Department because, I'm assuming because of this partially. But it appears that we are back to an order of, and this went to all Councilmembers, so this should be on your, you know, you should have received this back in September. So, it appears that we're back to having to plan way ahead, put in procurement requests to have meetings with the Administrative Offices. And, you know, we had been operating for a while fairly efficiently with being able to talk to people in Administration. But we're back to no, if we wanna know, you know, we have to either go through the Mayor or the Managing Director. So, I apologize for bringing this information that, you know, kind of at the last minute and really wanted to open up this subject for and just look at the recommendations if there actually is any legislation that the Council could do to move this along. Or, if these are all administrative issues then, you know, really there's not much we can because we're, by County Charter we're mandated to, we cannot directly,

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you know, the actions of the Administration. So, looking at this Streamlining the Permit Process, I just wanted to go over the different sections. One is the TIG report recommendations. And our testifier today kind of alluded to this and gave us some notes from those meetings. The biggest, I mean, the first recommendation on here being the one-stop shop, which everybody talks about I don't and I wanted to find out from the Committee if you have any ideas on. I mean, I don't really see this as a Council issue. I kind of see it as an administrative issue. And I wanted to know if there's anybody who've been here longer than I have who sees it differently. So, but that's why I wanted to put that on the agenda. It came up a couple of times in a couple of the different reports that we've looked at. The second one is allow for an independent third-party building plan review process and that would be...I suppose that could be funded through the budget, but there were concerns. If you look at the, you know, the, underneath the actual description of it, the concerns, there were concerns about privatizing a County process and you do want the Planning Department to have the final right of review. So, those were...that was...those were concerns that came up during the TIG. The second report that we gleaned from was the County of Maui Affordable Housing Policy Plan Final Report of August 2018. And again, the first recommendation under that is the informal one-stop shop...the informal one-stop departmental review they called it. And then there's some other recommendations for County operations, which are not really Council business. And so, I am going to see if the Department, I mean after we...I just wanted to review this document and then see if we have any suggestions for how we might be able to help with that one-stop shop that everybody keeps talking about. Under the Affordable Rental Housing Report and Ten-Year Plan of July 2018, the recommendations were...the first recommendation is streamline and eliminate duplication of regulation and permitting for affordable rental housing, and streamline and eliminate duplication, address regulatory barriers including the lengthy land use entitlement process, lack of consistency in coordination with State and County agency. The implementing action under that was research redundant regulations and permitting requirements among State agencies and regulatory and permitting requirements among the State and counties. And so, I'm not...and so again, I don't know if the Council feels that this is our purview or if it's actually the Department's, the Administration's purview. The next report was from the planning consultant's report that we reviewed recently in the Housing Committee. And the first item under there is accountability that when a County worker gives approval during a preliminary process, the preliminary review, that this should be put in writing and honored. And that was in that recommendation. The concerns were that problems may arise as someone...and one department doesn't necessarily know about another department and maybe the process hasn't been fully vetted so they have different departments saying different things. And there's some stepping on toes issue. The second recommendation regarding permits is the three strikes and you're out, which is if a person or entity submitting an application makes a mistake or submits misleading information more than three times, they can't do business with the County. And, again, I think, that's more of an administrative rule unless the Council has some ideas on whether we should even get involved with that. And the last ones were on my research and there are things like, that are reported to push the process along, which we're running behind on, which one of which is the MAPPS program. And we've had a couple of different reports in this Committee on the MAPPS program and how that's supposed to help streamline. And

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that, I think, the launch of that keeps getting pushed back so we may have another review of that. And, I think, also the approval of the GIS maps was part of that so that's kind of the first step that needed to happen. Prequalified approach, which is organizing a set of prequalification, documents for prequalification, that can make the plan check much faster, more efficient. And, I think, the Department has made statements that they're moving towards that in the past. And, you know, there's some other issues on here like permit approval deadlines, but there are lot of issues with that as well because of the whose fault is it? And at the end is just, the one person we were able to talk to in the Planning Department, one of the concerns, ongoing concerns of the Planning Department is that currently there's no in-house archaeologist and so that position may be something that may help move things along instead of, I guess, sitting around waiting for SHPD to get to us. So, that would be something that definitely the Department could help with, so...or the Council could help with funding. So, just wanted to...and then you have the housing report from the TIG meeting of March 23, 2017. So, I just...Department, do you have any comments on...Mr. Yoshida, are you here to comment on this issue?

MS. McLEAN: Thank you, Chair. We were just given this document today.

CHAIR KING: Right.

MS. McLEAN: So, we really haven't had a chance to go through it thoroughly. A lot of these issues have been talked about many times before and streamlining and duplication, we have taken on as much as we can. So, it sounds good and powerful to say oh you need to streamline and avoid duplication. Well, of course, we've done that when we have seen the opportunities and have been able to find efficiencies. One-stop shop has been talked about quite a bit too. I should back up and say when you talked about the permit process, most of these points seem to be talking about building permits, which is a very small part of what the Planning Department does. So, if you wanted to talk about building permits then that should really go with Public Works who's the agency responsible for administering those with final review. One-stop shop...when our plans reviewers review a building permit, they review it for zoning compliance. And if it's straightforward, if the plans are done perfectly, then they can sign off, and it's no issue. And someone like that would be fine in a one-stop shop, but that's a very low percentage of the time. There's often an issue that they see an unpermitted structure on the plans, or the building permit is for a use that it's not clear if it's allowed by the zoning, or other permits may be needed, which need to be issued before we can sign off on the building permit. So, things like that, the plans reviewer typically wants to check with a supervisor or someone else in their division. If you have this one-stop shop and they're just stationed there they may not have those resources available to them in that same physical area. And so, it could in effect result in things slowing down rather than speeding up. As I noted on the third-party building plan review, it's Public Works that has the final approval authority of building permits not Planning.

CHAIR KING: Okay. Well...oh, I'm sorry.

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MS. McLEAN: The three strikes you're out, to me, that raises a due process concern. I defer to Corporation Counsel on any comments he might have in that regard. The permit approval deadlines, again, as I mentioned, calling for approval in three to five days, it's there are often many things that prevent us from approving right away as I mentioned, unpermitted structures on the plans, other permits may be needed, there may be encroachments, it may be a use that is not allowed by the zoning. And so, setting those hard deadlines is often really impractical. We've also talked with the Council during the budget process about having an in-house archaeologist and that's something that requires a lot more discussion with other departments because we do have someone in our Department who can work with SHPD on architecture, not on archaeology or culture, but on architecture. And she's a great resource and really helps speed things along if there is a historic architectural issue. If we had the same kind of person in the Department with the archaeological expertise, we believe, that that person would get pulled into many other different issues beyond just helping the Planning Department process permits. Other County departments have to hire archaeologists for projects, you know, Environmental Management, Water, Parks. And so, that person's duties would need to be clarified and, you know, if their role would be the same as our architectural expert then that would be fine. But it's hard to believe that that is how it would play out. Other departments have to contract out for Archaeological Inventory Surveys to be prepared. Would this person be expected to do that? So, there's that concern and then also the fundamental authority for those kinds of approvals still rests with SHPD. So, if there was an in-house archaeologist, SHPD would still have to give final authority. So, it isn't clear how much having an in-house archaeologist would really assist in moving things along. Thank you, Chair.

CHAIR KING: Okay, thank you. And that was, again, a suggestion that came from one of the Maui County planners. When I first started this term, I met with one of the Mayor's assistants, administrative assistants, who discussed the one-stop shop that they used to do in the Mayor's lounge. And I didn't get a clear understanding of why that was stopped. And so, do you have any comments on that, you know, was it...it seemed like from my discussion that it was working, but we're just not doing it anymore. And I don't know how long it had been going on, but it seemed to me that Mr. Piltz thought it was fairly successful.

MS. McLEAN: The open houses? Is that what you're referring to?

CHAIR KING: Well he called it, yeah, he called it a one-stop shop, but, you know, maybe that's what you're calling it, open house.

MS. McLEAN: That was...the Managing Director put together an initiative called the permit process improvement team. And for the first couple years of this Administration, we met monthly and that's when as I said about streamlining and avoiding duplication, that's when a lot of those efforts really happened, and those were achieved to the extent that the departments could implement those initiatives. And then we did have those periodic open houses where all the departments would be there stationed at different tables. And I don't know why those didn't continue. That's something the Managing Director would need to be asked.

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CHAIR KING: Any questions from the Committee members? Mr. Guzman, I see you reaching for your...

COUNCILMEMBER GUZMAN: No, no, I...it's a little bit off the track, but in the same context. But the archaeological, it's so important. I just want to put a plug in there. Obviously, you've been at our meetings in regards to the sand bill, you know, and one of the issues there is after 45 days, when we actually bring the review process up to SHPD, they have 45 days to review. And after that 45 days, there's like a default where it just approves. But there was kind of a disconnect wherein in order to avail of the default where it just automatically kind of proceeds without the comments. We should have an archaeological person reviewing that, you know, just in case it goes past the 45 days. But there's so many other areas that we could utilize an archaeological person. It's so important in so many different departments. So, I just wanted --

CHAIR KING: Yeah. No, thank you.

COUNCILMEMBER GUZMAN: --to put that plug in there.

CHAIR KING: Thank you. And so, in your opinion, what department would be the best department to house that person?

COUNCILMEMBER GUZMAN: I would say most likely Public Works or Planning 'cause they both are...there's a lot of crossover that goes on. And we also have projects like, you know, Hamakualoa, no, no, not Hamakualoa, some of the other, you know, historical projects that we have going on. But, I think, it's important, you know. I think, the Planning Department realizes that that position would be very vital to moving forward in how we address a lot of our historical sites and things like that.

CHAIR KING: Okay, thank you very much. Ms. McLean?

MS. McLEAN: Chair, if I could comment? Thank you. The default that you referred to that's in SHPD's administrative rules. And what it actually says is that the permitting agency can send applications to SHPD for review. The reviewing agency or the processing agency can make its own determination that a project will not have an effect on historic properties and then give SHPD that time to concur or not. And so, then after that time lapses then the agency is able to assume that SHPD concurs with the Department's finding, but that Department has to make a finding first. And Planning does not do that. Typically we do not do that. We give it to them and ask them to tell us what they think. And we have talked internally about establishing guidelines for our staff to be able to say, you know, we don't think this will have an effect on historic properties for these reasons, you know, the ground was previously disturbed or there were previous studies that concluded there would be no effect. And we ran that concept by SHPD and they weren't really comfortable with the standards that we had laid out because there are always exceptions to them. And so, we, you know, that was an effort that we had made at streamlining. And so, we weren't able to go forward with that. So, it is true

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that there is that default position, but the processing department has to make a determination first and we in Planning at least do not do that.

COUNCILMEMBER GUZMAN: But if we had an archaeological person we could.

MS. McLEAN: Absolutely we could, yeah.

COUNCILMEMBER GUZMAN: Thank you.

CHAIR KING: Okay, thank you, Mr. Guzman. Ms. Sugimura, I'm sorry, I forgot to recognize you when you came in --

VICE-CHAIR SUGIMURA: Yeah, no problem.

CHAIR KING: --but you're usually one of the first ones here, so I just thought it was...

VICE-CHAIR SUGIMURA: Sorry, I had a family thing happen so I'm late. That will always be first, so sorry about, you know, for being late for the Committee. But I'm just listening to the conversation and I want to just ask then, and perfect for Mr. Guzman to ask this question because of Land Use 47, 48, which was your two bills that you created that went through Planning review and its back with us and it ties into all of this. So, I just wonder how that will tie into this conversation to make our process better?

CHAIR KING: Mr. Guzman, would you like to respond?

COUNCILMEMBER GUZMAN: Yeah, just for having an archaeological personnel in the County when we do our grading, grubbing permits, and those issues that have arisen from this last issue here in Maui Lani. If we had an archaeological personnel on staff then going forward that review process, what's going on is a lot of times the SHPD is kind of overloaded and they don't have the manpower to actually do a full-on comment and review. And if...and there's this 45-day window wherein if they don't make comments what the Department has been doing in the past is moving forward after 45 days. But there was...we had discovered that there is a minute requirement that obviously we and the State weren't really on the same page wherein we are supposed to have the review in order to proceed past the 45 days, you know, with the project. So, that step wasn't being taken. And so, we need to now figure out, you know, are we just gonna wait until SHPD takes a year to process a permit or get someone involved and hired as an archaeological for that review and make a comment and proceed forward. So, that's kind of the glitch there...one of the glitches. So, just for explanation purposes and Ms. McLean had explained it very thoroughly, so.

CHAIR KING: Okay, thank you. Does that answer your question?

VICE-CHAIR SUGIMURA: Yeah, so this really sounds like it would be probably to our advantage to look at, you know, in the next budget cycle maybe having that personnel expertise. And, you know, yesterday we were talking about Friends of Moku`ula, right, Mokuhinia, so I mean there was things that are right in our responsibility but, I think,



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what Mr. Guzman has tried to do with those two. I hope we do hear those two bills because, I think, it will help us a lot as well as looking at this staff if it will help you in Planning and in Public Works, you know, so.

CHAIR KING: Mr. Guzman? Oh I'm sorry, are you finished, Ms. Sugimura?

VICE-CHAIR SUGIMURA: Yeah.

CHAIR KING: Okay.

COUNCILMEMBER GUZMAN: I just wanted to respond as well. You know, there's a lot of permits that need to go to SHPD for the comments, so it's for Public Works. And so that is a vital position that we should be looking at in terms of an archaeological personnel. And the Council back in 2000, I believe, '14, when my Committee took over the projects over there, I believe, we spent about 500,000 or 200, yeah, 500,000 for an independent archaeological company.

CHAIR KING: Wow.

COUNCILMEMBER GUZMAN: Yeah, so, it's probably something that we can look into. Thank you.

CHAIR KING: Yeah, no, thank you. And I will have my staff look into it. It appears that we have to put in a request to talk to the departments about this, so we'll get on that and have communications with the Public Works Department and Planning Department on where, you know, to try and figure out where the best place to house that position. But it's sounding like maybe the Planning Department would prefer it be under Public Works. I don't know, can you...is that the gist of what I'm getting from you, Ms. McLean?

MS. McLEAN: Well, it's...I indicated that we have an in-house architectural expert and that if we had an in-house archaeological expert that that could facilitate reviews. But the concern with that is that they would get pulled into all sorts of other County things and the Members just mentioned several County things that they would get pulled into. And, of course, that would be valuable, but if we're talking one person then they would be spread really, really thin. We just have to have a clear understanding of what their duties are and what the expectations are of that person. They wouldn't be able to prepare Archaeological Inventory Surveys like a contracted archeologist, but they could certainly review them for projects. So, it would just need to be understood what the expectation is of that person that they couldn't be...they wouldn't be able to cover all archaeological needs and questions for all departments all the time. So, that's the concern unless you wanted to bring in a couple of them.

CHAIR KING: Okay. Could you write a description? Do you think you could write a description that would move things along in a way that you want them to or is it...I mean I'm not sure if I'm getting that it's just not something that you want to have in your Department, or it is valuable to have it in your Department, if it could be, if the scope of that position

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could be limited to what you, you know, would be valuable to the Planning Department for permits?

MS. McLEAN: It would be valuable to the Department if it were...and, yes, it could be the job description could be written in such a way to limit those duties. The point I'm trying to make is that the expectation of that position would need to be understood if it were established and budgeted for. Or, if there is a different idea of what you want that position for that that would be articulated so that whichever department that position might be housed in that that department would know how to describe the duties and it would be understood what the expectations are.

CHAIR KING: Okay. Well, I think, my position was, you know, what would be useful to Planning, you know, in terms of getting these permits quicker and not what we want. It's what, you know, what will make the process go faster. So, you know, we'll communicate with you through the proper channels and continue this discussion. Mr. Guzman?

COUNCILMEMBER GUZMAN: Just a comment like, for instance, what we did for Mokuhinia is that Wendy Taomoto was originally in the Mayor's Office, and she was assigned to coordinate the archaeological surveys and the hiring of the independent, the third-party archaeological company. So, it could be placed...that position could be placed in the Managing Director's Office as well. I mean, it's so versatile, you know, and you're right, Ms. McLean, that person, position would be pulled in all different directions. The Soil and Conservation Committee could utilize that position as well. I mean, it's so many different areas, so.

CHAIR KING: And if it's helpful, if it will save money where we don't have to hire as many outside consultants. And if it's proving helpful and expeditious then, you know, maybe it turns into more than one person.

COUNCILMEMBER GUZMAN: Yeah.

CHAIR KING: If it's, I mean, if you can bring in a body even at three figures, around 100,000, and they're saving you 500,000 right off the bat from not having to do a contract, that, you know, that where you have to balance off of it. It could grow into...as long as it was valuable, as long as it wasn't just, you know, the bureaucratic things that happen sometimes.

COUNCILMEMBER GUZMAN: Or, you know, Chair, we do have our Hawaiian Historical Revolving Fund that I created a year and a half ago, which has about 300,000 there. And if it's being utilized specifically for the archaeological purposes for at least Mokuhinia then, you know, the monies for that could be utilized as, you know, a grant maybe for that position. I don't know. But there --

CHAIR KING: Okay.

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COUNCILMEMBER GUZMAN: --could be other sources that we could figure out how to fund some type of position. And there's probably some kind of grants Federally some place that would, you know, help support that type of position 'cause it is, you know, it's archaeologically, it's very important.

CHAIR KING: The Hawaiian Historical Revolving Fund?

COUNCILMEMBER GUZMAN: Yeah.

CHAIR KING: Okay.

COUNCILMEMBER GUZMAN: I mean that's something to look at.

CHAIR KING: Okay, we'll look into that. Thank you.

COUNCILMEMBER GUZMAN: Thank you.

CHAIR KING: Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you. I'm glad we're talking about this position. I remember when Director Spence was there and I brought...I actually tried to insert this position into some of our budgets and it totally fell dead because of what we're talking about here today. It was needed back then. It's needed now. And it's definitely gonna be needed in the future, so I am totally ecstatic that we're talking about it again. And it needs to happen. And so now that we're at this point, it sounds like collectively we are in support of such a position. I think, your question to Planning has been could they draft some type of, you know, what would you need in this person, you know, draft the position qualifications and needs, I think, is another step to figure that out. And, yeah, one gets overwhelmed, let's get another. But I've always known we've needed to expedite things with our own in-house archaeologist and it just never has happened. So, I am happy that we're here talking about it. It's not the first time we've talked about it. But, I think, if maybe in writing to send to Department to have them draft out what do they see in this person, their functions, duties, powers, duties, and functions within the Department, or, you know, pros and cons. Should it be in Planning? Could it be or be in the Office of the Mayor in order to address Public Works' issues, you know, historical district issues? I mean, yeah, it does transcend a lot different ways, with our open space lands we've purchased, and as Mr. Guzman has mentioned. So, you know, there's a lot more discussion to be had on this one particular item. But, I think, officially we can send questions to Department to further vet. The...can I...you mentioned...I was looking at your list, Chair, of points, third-party review --

CHAIR KING: Sure.

COUNCILMEMBER COCHRAN: --and...okay. And so, my other...I have a whole document about the third-party review and how Oahu, City and County of Honolulu has implemented it. And there's wonderful comments on how they've been so successful, how they've incorporated, you know, time. They've cut down on time in their permitting.

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They've cut down monies because time is money. I mean, the list goes on and on, on all the benefits. So, I think, this is something it's in play. It's in action. It's something we can look to learn from and hopefully bring here to implement and get it moving. There's pages and pages of third-party plan reviewers that are certified. They train people to know what the zoning codes are, the, you know, and they're plan checkers. You know, Hawaii County also has implemented such a system. And Mr. Kanuha, he said that they've reclassified their existing zoning clerks in their Planning Department to land use plan checkers and the position series allows them to look both at their land use zoning components as well as building components. And so the merging of this zoning clerk and building permitting clerk has really, really worked well. So, you know, we do not need reinvent anything here. There's other counties right in our own islands that are already implementing some wonderful things. We just need to go look outside from what we're doing in our little rooms and see what others are and bring them here and implement them.

CHAIR KING: And, Ms. Cochran, could you...if you have that documentation could you --

COUNCILMEMBER COCHRAN: Yeah.

CHAIR KING: --share it with...and give it to our Staff and have them...

COUNCILMEMBER COCHRAN: It's kind of thick, but, yeah, I didn't know if I should print it. But, yes, by all means.

CHAIR KING: We will put it in Granicus for the next meeting.

COUNCILMEMBER COCHRAN: Yeah, that will be really helpful.

CHAIR KING: Okay, thank you.

COUNCILMEMBER COCHRAN: You know, Mr. Hiu of City and County of Honolulu, he says that the...yeah, they have this International Building Code Plan Review Certification Exam and it's standardized. And, you know, just it's...and, I think, there's a mention about taking jobs away. This helps...this isn't...no one lost their jobs over there. It just help expedite the work for the people. And so, yeah, I have other notes too, I can share just to give a lot more clarity and more inside detail as to the progress others have made. The one-stop shop, the MAPPS program, I think, there's an item at Planning Commission, is that today or yesterday, to talk about the update on where MAPPS is because the one-stop shop that MAPPS permitting system once fully operational will take care of a lot of things.

CHAIR KING: Right.

COUNCILMEMBER COCHRAN: And the one shop, the physical one-stop shop, where we got to set up the desk and put the bodies and the chairs and whatever may not need to happen because people can go online and just do all those types of work that way. So, maybe if I can get an update on MAPPS if Department has any at this time?

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CHAIR KING: Do a brief comment on that, Ms. McLean, on where we're at with the MAPPS program?

MS. McLEAN: The briefing that you mentioned is going to be on this coming Tuesday at the Maui Planning Commission's regular meeting that begins at 9 o'clock in the Kalana Pakui Conference Room. And it's the first item on the agenda, so the Commission had requested an update from ITS on where they are with the MAPPS project. It's moving along. I don't have anything particular. I know that the launch has been delayed a few times because our processes are more numerous and more complicated than they had originally accounted for, but it is still moving forward. And we'll get that update on Tuesday, next week.

COUNCILMEMBER COCHRAN: Okay, yeah. I think, that's gonna be real critical so looking forward to getting that to move forward.

MS. McLEAN: Chair, if I may? Councilman Cochran, on the third-party review, again, I wanna make clear that that would be arranged through Public Works, DSA, because it's building permits. The Planning Department is one of the reviewing agencies of many building permits, but not all. And so, that kind of concept, you know, we could participate in the discussion, but it would really be Public Works because they're the ones who do final sign off of building permits.

COUNCILMEMBER COCHRAN: Okay. Chair, I don't know, when did we...back in March 2017, there was a matrix that was given to the body and it shows plan review waivers, withdrawn applications, and it broke it down into different departments, DLNR, DOE, yourselves, Planning, Parks, and whoever needs to sign off on different permits. And looking at the numbers, I'm sorry to say that Planning's numbers were pretty sky high in exceeding that 30-day review time period. I was wondering since this is March 2017, we are now, you know, at the end of 2018, do you have an updated report of this to see where we're at? Have we improved? And in what ways? If not, why not and how can we help assist with that is my question?

CHAIR KING: Okay, and before I ask for the response, I just want to let the Committee know too is you have this handout. It says PC-8 on it and it's an alphabetical listing of development applications. So, you know, it goes A through F, G through L, I mean this is a list of applications for permits. Ms. McLean?

MS. McLEAN: Thank you. That report is also prepared by the Building Permit Office. So, you would need to get that from them. They prepare that report, I believe, every month of how all the different reviewing agencies are doing on their 30-day reviews. From March 2017, our percentages improved significantly and then they took a downturn again. We had made some improvements, but we realized that some of those improvements were not covering all the things that we need to cover. During that time, there were also changes to the County's Flood Hazard Ordinance, which resulted in even more permits being routed to us for approval than had been in the past to check for flood issues, not just flood designations, but even properties that aren't in the floodway

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that could, the development of which could impact floodways. So, again, our numbers initially got better and then they got worse again and now they're on the upswing again. So, but the report that you're referring to was issued by Public Works by the Building Permit Office.

COUNCILMEMBER COCHRAN: Okay, thank you. And so, Chair, maybe...

CHAIR KING: We will send...Ms. Fujita will send a request to Department of Public Works for an update report.

COUNCILMEMBER COCHRAN: Yeah. Thank you. And, I think, maybe even it's helpful to...quarterly review or just see where numbers are at, and see where things are improving and where things are not, or reasons as you say the flood hazards, MAPPS, you know, that put a lot more burden upon your Department. You had extra overload, whatever, I mean, that's good to know and just to see 'cause when you see numbers, you're like whoa what's going on? So, I mean, all that type of communication and, you know, dialogue between ourselves and decision makers is very, very important, you know, for us to understand. I think, it should be a collaborative, let's, you know, be on the same page and discuss our issues with each other to help one another. So, but, yeah, I'll get this printed out for people because it has some good stuff in there about the third-party plan review.

CHAIR KING: Okay, thank you, I appreciate that. And then we'll get an updated report on the response time for the departments. Ms. Sugimura, did you have a question or comment?

VICE-CHAIR SUGIMURA: I just wanna...I got a text about the CPAC being discussed when I was not here. So, at the appropriate time, I just wanna give you guys an update of CPAC for West Maui, choosing the members since it was discussed earlier. I don't know...

CHAIR KING: No, I don't, I think...it's not on our agenda. I think that it was in a comment that the Department made, but it's not on the agenda.

VICE-CHAIR SUGIMURA: It's not? So, it was discussed though?

CHAIR KING: No, it wasn't discussed. It was just referred to.

COUNCILMEMBER COCHRAN: It was just a comment.

VICE-CHAIR SUGIMURA: Okay. Well, if you wanna know what's up just let me know because we're...it's happening.

CHAIR KING: Okay, well, any other comments on the information before us on the permit process? Otherwise, thank you, Committee. I think, this was really constructive discussion and thank you for the information on, Mr. Guzman, on the archaeologist potential. And, Ms. Cochran, on all the information you have on the third-party. And so, you know, we'll continue to follow up with research and send information out to the

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Committee as we're allowed to. That's one of the biggest issues with this process is most of it has to be discussed on the floor because of Sunshine. Now, we're really not even, you know, we've kind of been reined in on our free interaction with the departments because of this memo from the Mayor. So, now, that slows everything down as well and we're gonna have to go through a procurement process to have those discussions apparently. No direct communication on matters pertaining to County business, official or otherwise, that's what this memo says, so.

COUNCILMEMBER COCHRAN: Chair?

CHAIR KING: Ms. Cochran?

COUNCILMEMBER COCHRAN: I don't have...Chair, I'm trying to jog my memory. I think, my office sent an OIP question about that memo when it first came out. And if I recall it, the OIP letter back stated that it doesn't apply to us as Councilmembers because we have to interact with the community. And then when the community has an issue on something that has to do...we need to get help or something, you know, communication to the departments or Administration or something, we cannot be hindered on a certain level, right? We are the voice and the face for the public and that's what this building and the people who are working in it ought to be working for. So, if I recall, I mean, I have to go dig up the letter or whatever. This has been from 2014 was the original memo given to us?

CHAIR KING: June 18, 2014.

COUNCILMEMBER COCHRAN: So, yeah, anyways.

CHAIR KING: Yeah, well, you know, if that's the case then basically what you're saying is that it has to be the Councilperson talking directly because it specifically refers to including the staff of Office of Council Services. So, I don't know if that means our staff as well, but I'd be interested to see that memo that you got back from OIP. So, we have been having some issues with our staff, my staff, trying to communicate directly. So, and that's just by way of a reason why, you know, all of this is coming out on the floor, because...and the Department is just seeing that memo, the research that we've been doing as well. So, any other comments or questions from Committee members? If not, we're adjourned. And thank you for...oh, I'm sorry, what? Yeah, defer...we'll defer the last item if there's no objections.

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

**ACTION: DEFER PENDING FURTHER DISCUSSION.**

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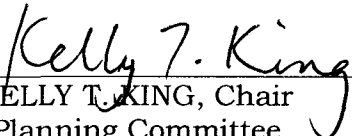
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CHAIR KING: Okay. . . .(gavel). . .

**ADJOURN:** 10:27 a.m.

APPROVED:

  
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KELLY T. KING, Chair  
Planning Committee

pc:min:181004:df

Transcribed by: Delfey Fernandez



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CERTIFICATE

I, Delfey Fernandez, 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 24<sup>th</sup> day of October 2018, in Wailuku, Hawaii.

  
Delfey Fernandez