

**COST OF GOVERNMENT COMMISSION  
MINUTES  
Via BlueJeans Videoconference  
Thursday, January 14, 2021**

**PRESENT:** Michael Williams, Chair  
Michelle Del Rosario, Vice Chair (arr. at 10:10 a.m.)  
Noemi Barbadillo, Member  
Paula Heiskell, Member  
Lu Ann Lankford-Faborito, Member  
Patrick O'Neil, Member  
Susan Pu, Member (arr. at 10:17 a.m.)  
Hannah Werth, Member

**EXCUSED:** Sarah Simmons

**STAFF:** Gary Murai, Deputy Corporation Counsel  
Shelley Pellegrino, Technical Writer for the Commission  
Lance Taguchi, County Auditor

**ADMIN.** Ipo Mossman, Ex-Officio Member, Office of the Mayor  
Darlene Endrina, Community Liaison, Office of the Mayor

**OTHER:** Sergeant Jan E. Pontanilla, Maui Police Department

**DOCUMENTS RECEIVED:**

Minutes

- Draft December 10, 2020 Meeting Minutes

Informational Documents Related to COVID-19 and Open Meetings

- Governor's COVID-19 Seventeenth Supplemental Proclamation (December 16, 2020)

County Charter Provisions Related to the COGC

- "Charter Provisions for Consideration by the Cost of Government Commission" (prepared by Chair Williams)

**I. CALL MEETING TO ORDER**

Chair Williams called the meeting to order at 10:01 a.m.

**II. ROLL CALL**

Chair Williams took roll. Commissioners Barbadillo, Heiskell, Lankford-Faborito, O'Neil, Simmons, Werth, and Chair Williams were present. [Vice-Chair Del Rosario arrived at approximately 10:10 a.m., and Commissioner Pu arrived at approximately 10:17 a.m.]

**III. PUBLIC TESTIMONY**

There was no public testimony.

#### **IV. REVIEW AND APPROVE DECEMBER 10, 2020 MEETING MINUTES**

*Commissioner Werth moved to approve the December 10, 2020 meeting minutes, and Commissioner Heiskell seconded the motion. There was no discussion. The motion was approved 6-0 [Commissioner Simmons excused].*

#### **V. COUNTY AUDITOR'S UPDATE**

County Auditor Lance Taguchi stated that the Commission's laptop had been procured and delivered to the technical writer.

#### **VI. TEMPORARY INVESTIGATIVE GROUP (TIG) UPDATES**

##### **A. Enforcement of Short-Term Rental Laws (Chair Williams and Commissioner Barbadillo)**

1. Review scope of TIG, including whether scope should also include policy options for controlling and managing visitor accommodations.

Chair Williams proposed expanding the short-term rental (STR) investigation scope to include a review of the Maui Island Plan, which calls for a limit of one visitor for every three residents. Chair Williams stated that the Real Property Tax Division has a database that can track the number of dwellings and bedrooms on every parcel on island that has a housing unit. He added that he has spoken with RPT Administrator Marcy Martin and hopes to have this information in table form in a few weeks.

Chair Williams stated that he looks forward to reviewing the complete count of visitor accommodations on Maui Island. The information will assist with determining whether the COGC can develop policy recommendations to present to the County Council to manage the number of visitors.

Chair Williams pointed out that at the end of 2019 and the first month of 2020, Maui averaged 65,000 visitors per day. The 3:1 limit is approximately 52,000 visitors per resident. Chair Williams stated that he anticipated visitor counts will rise again once people receive their COVID vaccines.

Commissioner Heiskell commented that she hopes the visitor numbers can be reduced permanently.

*Vice-Chair Del Rosario arrived at 10:10 a.m.*

Commissioner O'Neil asked how the County would be able to enforce a limit on the number of visitors. Chair Williams responded that there would need to be a limit on the number of visitor accommodations (via a cap on STRs and bed and breakfast accommodations). He added that there is no cap on vacant homes that provide visitor accommodations, and there are too many unpermitted but legal STRs (condos and apartments). Chair Williams suggested that there be a rezoning process on the "Minatoya apartments," so they cannot be used as STRs anymore.

Another suggestion offered by Chair Williams was to increase property taxes on second homes to encourage people to rent long-term to locals or have the home be owner-occupied. A third suggestion offered by Chair Williams was the County Council setting up a new property class of long-term rental properties, where there would be a

lower tax rate on properties that are rented to local residents, and a higher tax rate on those who do not.

Commissioner O'Neil asked what the current hotel capacity is on Maui. Chair Williams responded that there are approximately 6,000 hotel rooms and 4,000 timeshares, a number which is dwarfed by the 14,000 legal short-term rentals.

*Commissioner Heiskell moved to approve the expansion of the scope of the TIG, and Commissioner O'Neil seconded the motion. The motion was approved 7-0 [Commissioner Simmons excused].*

- B. Capital Improvement Project Budgets of Department of Water Supply and Department of Environmental Management (Chair Williams, Vice-Chair Del Rosario, Commissioner O'Neill)

Chair Williams stated that he, Vice-Chair Del Rosario, and Commissioner O'Neil have met a few times. Chair Williams will be meeting with Councilmember Sinenci, who was recently assigned all of the Department of Water Supply issues.

- C. Wildfire Costs and Responsibility of Private Landowners (Commissioner Heiskell, Commissioner O'Neill)

Commissioner O'Neil stated that he is continuing to research wildfire cost information. He will be working the wildfire and management organization and University of Hawaii. He asked whether the Commission was of some regulatory document liability for private landowners. Chair Williams suggested that Commissioner O'Neil contact the Fire Chief and review the minutes of a previous Commission meeting when the Chief made a presentation.

*Commissioner Pu arrived at 10:17 a.m.*

- D. Homelessness Issues in Maui County (Commissioner Werth, Commissioner Lankford-Faborito, Chair Williams)

Commissioner Werth stated that the TIG is moving forward with its investigation and has decided to focus on three topics: (1) permanent supportive housing units; (2) supportive services (e.g., case management); and (3) strategies for dealing with people who are unhoused.

Commissioner Lankford-Faborito introduced Maui Police Department (MPD) Sergeant Jan Pontanilla, who works with the homeless community. Sergeant Pontanilla explained that she works in the C.O.R.E. (Critical Outreach and Response through Education) Unit and works with the homeless, as well as those who have mental health and substance abuse issues. The unit provides outreach through its public health and safety initiative, and tries to encourage individuals to find shelter. She also works with the County Department of Transportation regarding bus stops, where homeless tend to linger. Finally, the C.O.R.E. Unit works with the Department of Public Works to clean up certain areas a few times a month to assist homeless who need to dispose of items they no longer need.

Sergeant Pontanilla also stated that MPD is in the process of converting a Maui Bus into a Mobile Medical Educational Unit (MMEU) and hopes it will be up and running in February. The MMEU will be divided into three sections: (1) basic wound care by volunteer medics; (2) mental health assistance; and (3) COVID vaccinations. The unit will be using the Salvation Army in Kahului and Lahaina, and St. Theresa Church in Kihei.

Deputy Corporation Counsel Gary Murai added that the County has a comprehensive plan that involves a lot of outreach and service offerings. He offered the example of a County cemetery near Mala Wharf and the Lahaina Jodo Mission, where MPD works hard to offer community services rather than expel people from the area. Mr. Murai commended MPD and the Department of Housing and Human Concerns for their work with limited resources.

Chair Williams suggested that the Commission assist by recommending that the County Council provide more funding for these types of services. Mr. Murai added that there is no lack of will or compassion, but there is a lack of sufficient resources.

E. County Road Safety (Commissioner Pu, Commissioner Heiskell)

Commissioner Pu stated that she and Commissioner Heiskell have not had time to work on the issue, but will start soon. She added that she has reached out to Councilmember Sinenci, but has not heard back from his office yet.

**VII. INVESTIGATION (NON-TIG) UPDATES**

A. Private Financing of the Wailuku Parking Garage Via Opportunity Zones (Chair Williams)

Chair Williams stated that he contacted the Budget Committee to see whether the issue will be on its agenda, but he has not heard yet.

B. Information Technology Issues (Commissioner Simmons)

Commissioner Simmons was excused so there was no discussion of the issue.

C. Access to Public Documents Filed in County Litigation (Chair Williams)

Chair Williams stated that he had not yet spoken with the new IT Administrator.

D. County Real Property Tax Policies Regarding Agricultural Lands (Chair Williams)

Chair Williams reported that he had not spoken recently with the Ag Working Group, but that the AWG is interested in assisting the COGC with its report.

**E. DISCUSS OTHER POTENTIAL TOPICS TO REVIEW AND ESTABLISHMENT OF TEMPORARY INVESTIGATIVE GROUPS (TIGS)**

*Discussion and possible action regarding the establishment of Temporary Investigative Groups (TIGs) to review and investigate the below listed subjects, appointment of members, and setting of the parameters and scope of the investigation and review.*

A. County Charter Provisions Related to the Cost of Government Commission (Section 3-9.3), Including its Authority to Issue Period Reports; and Boards and Commissions (Section 13-2), Including Board and Commission Membership and Terms

- Document to Review

1. "Charter Provisions for Consideration by the Cost of Government Commission" (prepared by Chair Williams)

Chair Williams referenced the last Commission meeting where Mr. Murai stated that the County Charter directs the Commission to produce an annual report, but is unclear as to whether the Commission may produce stand-alone reports. Chair Williams stated that the Commission might want to review this and other Charter language regarding the composition, terms, and duties of the Commission, and transmit a short list of proposed Charter amendments to new Charter Commission.

A second suggestion offered by Chair Williams relates to the requirement that board and commission members identify with a political party. Now that Mayoral and Council elections are nonpartisan, Chair Williams stated that the political party requirement should be removed. Vice-Chair Del Rosario confirmed that the Council does try to balance board and commission members by party and geography.

A third suggestion relates to the appointment terms. Chair Williams noted that he is unaware of any commissioner who is actually serving a five-year term because most of them have replaced commissioners who resigned. Vice-Chair Del Rosario stated that she was appointed to a five-year term. She added that Chair Williams is serving a four-year term because he replaced a commissioner who resigned or was removed. Chair Williams stated that he understood the rule, but he was not clear as to the rationale behind it.

Commissioner Heiskell noted that she was appointed to the Commission following a resignation, but she applied and was reappointed to a full five-year term. Mr. Murai clarified that when Commissioner Heiskell was appointed to fill someone else's unexpired term, she likely filled a term that had less than two years remaining. In that case, she could be reappointed. For those who fill an unexpired term with more than two years remaining, the replacement commissioner will need to sit out two years before reappointment.

Technical Writer Pellegrino added that the terms of previous commissioners used to be more staggered, but all of the current commissioners are scheduled to end their terms in 2023 (four commissioners) and 2024 (five commissioners). Ipo Mossman confirmed Ms. Pellegrino's observation and said he would review the issue further.

Chair Williams thought the Commission could send a letter to the Charter Commission offering its suggestions.

#### **F. DETERMINE NEXT MEETING DATE AND AGENDA**

The next meeting is scheduled for Thursday, February 11, 2021, at 10:00 a.m. via BlueJeans teleconference.

#### **G. ADJOURNMENT**

The meeting adjourned at 10:47 a.m.