

COMMISSION ON HEALING SOLUTIONS FOR HOMELESSNESS  
DEPARTMENT OF HOUSING AND HUMAN CONCERNS  
COUNTY OF MAUI  
ON-LINE VIA BLUEJEANS  
THURSDAY, SEPTEMBER 22, 2022

**REGULAR MEETING MINUTES**

CALL TO ORDER AND ROLL CALL

The meeting was called to order by Chair Lindo at 1:30 p.m.

*Present:*

Zhantell Lindo, Chair

Mary Trotto

Lisa Darcy

Rochelle Kim Tempo

John Tomoso

Charleen Naomi Crozier

Faith Chase (joined meeting at 1:33 p.m. but had no video capability)

*Excused:*

John Decker

Saul Kahihikolo

*Absent:*

Scott Hansen

*Present Staff:*

Lori Tshako, Director of Housing & Human Concerns

Daniel Kunkel, Deputy Corporation Counsel (DCC)

Kimberly Ferguson, Secretary

Prior to proceeding with the items listed on the agenda, DCC Kunkel advised the Commission of a Sunshine Law update from the Office of Information Practices in regard to TIG status updates. TIGs are not allowed to give updates in open meetings so he recommended that no updates be given even if the item is on the agenda; however, public testimony would be allowed.

Chair Lindo officially welcomed new Commissioner Charleen Naomi Cozier who provided a brief introduction to the group.

In addition, Chair Lindo asked the Commission to pause for a brief moment of silence in honor of the late Vice Chair George Kaimiola.

1. PUBLIC TESTIMONY ON ALL ITEMS

There was no one present online or at the physical location to offer public testimony.

2. OLD BUSINESS

a. 2.31.080 (A) Requiring the council to review operations of the commission within 18 months after its first meeting and (B) requiring an annual report to council - The Commission is to submit a report to the Maui County Council by October 29, 2022.

- i. Chair Lindo informed the group that the Commission's annual report is due by 10/29/2022. Chair entertained a motion to discuss the request for an extension from Council to extend the deadline. Motion made by Commissioner Tomoso, seconded by Commissioner Crozier.

Chair Lindo explained the reason for the extension request and informed the group that she drafted a letter to the Council and also wanted to give commissioners an opportunity to contribute to the report. The floor was opened for discussion.

Some members claimed they did not receive the draft letter. Staff noted it was attached to the email which requested members confirm their attendance. Motion was tabled until staff was able to post the letter via the share screen option on BlueJeans.

A copy of the draft letter to Council was shared by staff via BlueJeans at 2:25 pm. There was no further discussion. All members present voted on the motion on the floor and voted unanimously in favor of sending the letter to Council requesting an extension.

- ii. Determine and approve report structure, details and presenter  
Chair Lindo suggested a simple report format. Perhaps sending an outline to the members. Reports would provide an overview, highlights, and challenges, and then explain the direction the commission wants to move to in the coming year.

Discussion:

Commissioner Tomoso asked if there was anything in the statute that specifies the content of the report. Chair Lindo read the requirements from the Code out loud. Required items:

- Implementation recommendations
- Practicality of implementing them
- In addition, a designated representative from commission must be available to answer questions from the assigned committee.

- 1) Has the committee made any recommendations?
  - Medical Outreach proposal is a consideration

- 2) What is the practicality of implementing?
- Update on the outreach proposal to be provided by Director Tsuhako

Commissioner Tempo agreed to keeping it simple and asked if anyone had any suggestions on a template or ideas on how to proceed.

Commissioner Darcy stated that her recollection from earlier conversations was that the Commission could be as creative as they wanted with the report. She expects that the report would include the Commission's dialogue and topics that were discussed as a group during meetings, and the recommendations that resulted. In addition, it should include the vision that the commission wants to achieve both short and long term, along with summarizing the work accomplished by the TIGs.

Chair Lindo advised the group that there has been a lot of criticism of the commission due to lack of product. She informed the commission that a letter was sent to the Mayor recommending abolishment due to its inability to move forward and that saddens her. Also clarified that outcomes have been very few in the past 18 months. Chair explained that the commission is tasked with providing recommendations to the Council and the Administration.

Commissioner Darcy commented the report is a massive challenge for the Chair and thinks the Commission reflects where the community is at in terms of the varied approaches or non-approaches. Suggested each commissioner put forward something in writing.

Commissioner Trotto asked about a prior agenda item regarding temporary shelters utilizing yurts. Director Tsuhako reminded the group that the yurt proposal was discussed at the last meeting as part of a TIG report while Commissioner Trotto was traveling so Commissioner Darcy led the report.

Commissioner Tomoso agreed the report should contain a summary of the discussions related to each TIG.

Chair Lindo suggested a format to include:

- An introduction or an overview
- Our mission and purpose
- Members of the commission
- Highlight section which would give recommendations from the TIGs or from what we did, which includes the medical outreach proposal

Examples of items to be included in the report such as:

- Challenges with vacancies and obtaining permanent staff

- Attainable goals and objectives
- Accurate homeless data for each district
- Countywide workshop on healing solutions for homelessness
- Access to a data base accessible by public

b. Director's Report (\*Item and discussion was moved to the end of the agenda but is reported here)

i. Update on Medical Outreach Proposal

DHHC Director Tshako provided an update on the Medical Outreach proposal.

- HUD recently announced a NOFO or the notice of funding opportunity for their regular continuum of care funding and for a supplemental NOFO for approximately \$1.7 million for the neighbor islands continuum of care, specifically for the unsheltered homeless. There was a rural set aside that Maui county is not eligible for because we're not considered rural.
- Noted that it's important to understand is that Maui County is part of Bridging the Gap (BTG), which is a neighbor island continuum of care, and in order to receive that funding, our application has to go through the continuum. The department wasn't able to apply for funding directly from HUD so waited until the collaborative applicant for BTG issued the RFP. DHHC responded to the RFP, submitted 50 plus page application for the medical outreach program, and about a week ago was notified by the collaborative applicant that our proposal scored well enough to be included in BTG's application for the NOFO.
- The medical outreach program was the proposal to pair medical personnel who can certify disability status with existing homeless outreach services and allowing those who are in unsheltered conditions to receive medical care out in the field where they're staying. Program includes wound care, more complicated medical care, as well as medication if necessary.
- In addition, the program would also give the unsheltered a greater chance to access center based medical care and behavioral health care, which is one of the desired outcomes.
- The goals of the program are to have more unsheltered people receive medical care in the field and improve access to center based treatment for medical and behavioral health.

- DHHC is looking to measure the time it takes to get someone who's living in unsheltered conditions into housing because that is ultimately the solution to homelessness - to put that person into housing. Currently, the homeless management information system, as a number, measures the day from the first time that person was intake into the homeless system and the number of days it took for them to be permanently housed. So that baseline of time already exists in the system. Hopefully, once the program is operating, we'll see a shortening of that time. Doing so will allow DHHC to be able to compare existing baseline with the people who will be impacted by this program.
- It is not known when HUD is expected to give their final approval to the BTG's application, but the department is putting in place all of related items needed for grant funding, so it's ready to go so once notification is received.

Discussion:

Commissioner Tempo asked about HUD's criteria for rural designation.

Commissioner Darcy asked what capacity Malama I Ke Ola would be involved. Director Tshako responded that they would be a sub-grantee providing medical personnel.

Commissioner Chase commented that she was equally concerned about the rural designation and requested the item be added on for discussion at a later meeting.

Chair Lindo asked for contact information for the entity who determines the rural designation as it may hinder the county's ability to apply for grants and funding.

Director Tshako suggested reviewing the NOFO on the HUD website and search the notice of funding availability as there should be a description under the set aside for rural communities describing the particular way that the rural designation was achieved.

c. Temporary Investigative Group (TIG) Status Updates

Item was not discussed at the recommendation provided at the beginning of the meeting by DCC Kunkel. A ruling by the Office of Informational Practices (OIP) stated that TIGs are not allowed to give status updates at open meetings. OIP says that temporary investigative groups can be discussed at an open meeting on three occasions: 1) when you create the TIG; 2) when the chair gives its final report to

the commission; and 3) the last meeting when the commission takes any vote that perhaps the TIG wants the commission to take the vote on.

DCC Kunkel to send citation from the OIP to staff for distribution to members.

### 3. NEW BUSINESS

- a. Election of New Commission Vice Chair for the 2022-2023 Term Year  
Commissioner Crozier nominated Commissioner Rochelle Kim Tempo for Vice Chair. There were no additional nominations. Commissioner Tempo accepted the nomination.

Chair Lindo called for the vote. All members present voted unanimously in favor of electing Commissioner Tempo as Vice Chair (Commissioner Chase was present but was unable to verbally vote). Rochelle Kim Tempo was elected as new Commissioner Vice Chair.

- b. Setting a solid foundation for the Commission on Healing Solutions for Homelessness  
Chair Lindo clarified the purpose of the commission:

- The sole responsibility and mission of this commission is to make recommendations and be sure that they are practical and can be asserted that they are actual programs that can result in actual solutions.
- The purpose of this commission is solely to make recommendations to the council and administration for initiatives, projects, funding and anything that will support eliminating homelessness and poverty in Maui County. This is not a task force. This is not a resource center where we develop programs or where we are tasked to do those programs as a group or an organization.
- Proactive approaches to the challenges and equitable solutions with realistic outcomes. This is not a think center - it's where all of the ideas come. And we talk about them, we discuss them and then we make our best recommendation as an awesome group. This is with all of our experience and expertise to help the department and the council make good decisions and implement good programs.
- Some of the criticism received is that many of us, because we work with boots on the ground and we have direct relations with individuals and resources or businesses or nonprofits that deal with the homeless on a daily basis, have a hard time switching gears. We talk a lot about some really great ideas, but there's no practical implementation and then no direction for the department to carry these ideas out so that it can become an actual solution.

#### Discussion:

Commissioner Darcy asked to be reminded of the process to request an item be added to the agenda so members don't get discouraged if an item was not added. Chair Lindo explained the process:

- Send agenda items directly to Chair via email by the 1<sup>st</sup> day of the month (i.e. October 1 for October meeting)
  - Chair will work with staff on agenda to allow efficiency by the 10<sup>th</sup> of the month
  - Agenda will be transmitted to staff for posting no more than seven days prior to the meeting
  - Then the agenda and supporting documents get distributed to the commission
  - Chair requests that members prioritize items when sending to her
- c. Create Mission/goal statement for Commission with actionable steps and a timeline  
Chair Lindo turned the floor over to Commissioner Darcy.

Commissioner Darcy provided an introduction:

- Opportunity to create a road map and give updates as they present themselves
- So many different points of view - definitions of homelessness and healing
- Members need to be committed to doing work outside of the meeting in order for the commission to move forward

Discussion:

Chair Lindo asked DCC Kunkel if establishing a mission statement would be used internally and would fall within the current rules of the commission. DCC responded it's up to the commission to decide.

Chair Lindo asked Commissioner Darcy to draft a mission statement which is consistent with the governing verbiage that created the commission. Commissioner Darcy agreed and responded that it doesn't have to be called a "mission statement" and that she would come up with another term or verbiage to use.

Commissioner Trotto read the language out loud from the website which listed the responsibilities of the Commission and stated it seems that is a mission statement.

Commissioner Darcy commented that clear and concise markers are needed in order to create a timeline to implement

There was no opposition to Chair's request to Commissioner Darcy and there was no further discussion.

- d. Ending the practice of Sweeps/Compassionate Disruption  
Commissioner Darcy explained the history of the practice under the Arakawa administration.
- Interested in obtaining number of sweeps, the cost, and number of people placed into shelter or safety since the inception of the practice

- Stated sweeps are disruptive and are not healing and don't address mental health or substance abuse needs
- Recommended ending sweeps and direct funding into safe sleeping zones
- Recommended each commission member attend a sweep a couple of days before or when they're going with the notice to vacate and then do the day of so they can understand the emotional aspect

Chair Lindo suggested separating both recommendations and clarified Commissioner Darcy's first motion was for the county to end the practice of compassionate sweeps and Commissioner Darcy confirmed. Motion was seconded by Commissioner Crozier for discussion purposes.

Discussion:

Commissioner Crozier disagreed and stated she has gone to sweeps and although it's been heartbreaking, it's sometimes necessary as a lot of good has come from them. She has personally helped people with psychiatric evals, find homes/shelter and move on to long term housing.

Director Tsuhako stated it was her understanding that the county has not conducted any interventions since Amala in September 2021 and discussed the County's position.

Commissioner Trotto explained how encampments start off small and slowly grow as more folks join and the problem is that there is not enough shelter space. Commissioner Trotto informed the group that she submitted a detailed proposal to the former Chair for a managed encampment utilizing yurts and related supportive services and staff. Proposal was discussed in a TIG but the item never made it back to the agenda and stated that the proposal can't be implemented by commission but needs to be given to someone to act on.

Vice Chair Tempo called a point of order as discussion was related to a TIG and for the purpose of complying with Sunshine Law.

Chair Lindo reminded the group that there was a motion on the floor and reiterated Director Tsuhako's statement that the power of deciding compassionate sweeps is the mayor's and the mayor's alone and if the commission did pass a recommendation like this, it would be in the form of a letter to the mayor.

Commissioner Darcy asked if Director Tsuhako would always be a part of the discussion. Chair Lindo clarified that she called on the Director to provide comments and it's within her power as Chair. Commissioner Darcy stated she wanted to commission to have the ability to have free discussion. Chair Lindo responded that the Director was only answering what was asked from her and stressed the



importance of hearing the department's perspective to allow the commission to make informed decisions.

Chair Lindo called for the vote and a roll call vote was taken.

In favor: (Chase & Darcy)

Opposed: (Lindo, Trotto, Tempo, Tomoso, and Crozier)

Absent: (Hansen)

Excused: (Decker & Kahihikolo)

Motion failed - 2 in favor, 5 opposed, 1 absent, and 2 excused.

The second motion on the floor from Commissioner Darcy was to recommend that every commissioner participate in at least one compassionate disruption. Commissioner Darcy stated that she has been to and documented several sweeps since last September and wanted that on record.

Discussion:

Commissioner Darcy explained her reasoning behind encouraging commissioners to be present and experience what someone unhoused experiences at the sweeps.

Chair Lindo asked DCC Kunkel and Director Tsuhako about the liability involved and if there were any concerns related to County commissioners attending a County sweep in their official capacity.

DCC Kunkel responded that as long as members follow the instructions of police like any other member of the public, there would be consequences if not

Director Tsuhako stated she wouldn't recommend it in her professional opinion as there is a risk and provided an example of the process contracted homeless outreach does ahead of the actual day to attempt to offer services. Suggested that perhaps commission members could ask to be volunteers with outreach workers ahead of time.

Chair Lindo asked if it would be a violation of the Sunshine Law if two or more commissioners show up at the same time. DCC Kunkel responded it could be considered a meeting if 6 or more did.

Vice Chair Tempo stated participating would conflict with her job as a paralegal with Legal Aid and that she has seen people get housed and the good that comes out the sweeps.

DCC Kunkel then informed the Commissioners of Maui County Code §2.31.040 regarding the operation of the commission. A typical clause that's in the enabling legislation for each board and agency says in subsection I, except for purposes of inquiry and as otherwise provided by law, the commission and its members must not interfere in any way with the administrative affairs of any department or agency. He cautioned that as a commission member, you certainly do not want to enter if it's a county operation and commissioners would not want to actively interfere as a member of this commission.

Commissioner Darcy clarified the language of her proposed motion did not include interfering and reiterated her intent of the motion on the floor.

Chair Lindo called for the vote and a roll call vote was taken.

In favor: (Chase & Darcy)

Opposed: (Lindo, Trotto, Tempo, Tomoso, and Crozier)

Absent: (Hansen)

Excused: (Decker & Kahihikolo)

Motion failed - 2 in favor, 5 opposed, 1 absent and 2 excused.

Chair Lindo requested a brief 5-minute break. There was no opposition. Commissioner Trotto was excused at this time. Off the record at 3:30 p.m.

Meeting was called back to order at 3:35 p.m. by Chair Lindo and a quorum was present. There was no one present for public testimony.

\*Director's report and update on Medical Outreach proposal took place after the recess and is reflected above under agenda item 2b.

#### 4. ANNOUNCEMENTS

- Next meeting is scheduled on October 27, 2022.
- Chair Lindo requested information on Commissioner Trotto's proposal be sent to her.

#### 5. ADJOURNMENT

Chair Lindo adjourned the meeting at 3:49 p.m. No motions were made and no votes were taken.