

COMMISSION ON HEALING SOLUTIONS FOR HOMELESSNESS
DEPARTMENT OF HOUSING AND HUMAN CONCERNS
COUNTY OF MAUI
ON-LINE VIA BLUEJEANS
THURSDAY, JANUARY 26, 2023

REGULAR MEETING MINUTES

CALL TO ORDER AND ROLL CALL

The meeting was called to order by Chair Lindo at 1:30 p.m. A quorum was present as noted below:

Present:

Zhantell Lindo, Chair
Rochelle Kim Tempo, Vice Chair
John Tomoso
Lisa Darcy
Lisa Kahaleauki
Faith Chase
Charleen Naomi Crozier

Excused:

Saul Kahihikolo

Present Staff:

Lori Tshako, Director of Housing & Human Concerns
Christie Trenholme, Deputy Corporation Counsel (DCC)
Kimberly Ferguson, Secretary

1. PUBLIC TESTIMONY ON ALL ITEMS

Prior to proceeding with public testimony, Chair Lindo requested to amend the agenda to allow Item #3-DHHC updates to be moved up in order to afford Director Tshako the opportunity to provide updates at the beginning of the meeting due to a scheduling conflict. There were no objections.

Video testimony:

Charlene Schulenburg on item #2A: Testifying on behalf of self. Thanked all for their hard work. Introduced herself and provided a bit on her background: From Maui, a St. Anthony graduate, disclosed that she was the campaign chair for Mayor Richard Bissen, and is the Board Chair of Share Your Mana (SYM). Also stated she would like to make herself available to assist the Commission and would also like to understand better what

the mission and vision of the commission is, and encouraged everyone to keep an open mind as they work together, as everyone has the same goal of helping the houseless.

Commissioner Darcy briefly spoke about how they “came together” on differing views and how they now work together.

Mike Moran on item #3: Testifying on behalf of Kihei Community Association (KCA). Gave an overview of his understanding of the safe parking project, explained the need for it, and voiced KCA’s disappointment regarding the failure of the project.

Chair Lindo: Did KCA identify any parcels or ideas that would work in your district?

Mr. Moran: Worked with previous Councilmember Kelly King regarding issue about prior parking proposed location.

Chair then asked if she could reach out separately regarding these questions and Mr. Moran agreed.

Commissioner Tomoso: Will KCA engage with Mayor or new Kihei Councilmember Cook to make a proposal, etc.?

Mr. Moran: They did reach out to set up meetings with Mayor and Cook to address issues such as the parking. Waiting on response.

Jessica Lau on item # 2A: Supports commissioner Darcy’s proposal in agenda item 2A. Shared story about being cited for illegally parking. Stated that she has no options with past history of abuse. Stated Maui’s two shelter options Family Life Center (FLC) & Ka Hale A Ke Ola (KHAKO) are not enough and there is a lack of resource and limited agency help.

Chair Lindo: Thanked Ms. Lau for testifying and encouraged her not to give up.

Commissioner Tomoso: Thanked Ms. Lau for her testimony and explaining the situation. Requested clarification about her statement that FLC did not provide case management/assistance.

Ms. Lau: Spoke about her journey, going to KHAKO and FLC for help, and challenges she encountered, and stated she is now back to homelessness. Stated there are not many resources in Maui and she was providing testimony and support for motions on behalf of self and others.

Commissioner Chase: Thanked Ms. Lau for sharing her story and for helping not only herself but others.

Commissioner Darcy: Asked Ms. Lau about her safe parking viewpoint, and what she thinks others who are in a similar position as hers would believe as well, and how their lives would be changed.

Ms. Lau: Responded that it would relieve a lot of stress, sleeping in peace without worry, and not having to pay for citations.

Chair Lindo ended questioning by thanking everyone who testified and disclosed her number for anyone who needs help "24/7".

Gretchen aka "Dr. Sandra K. Schwartz" on item #2A: Testified about the challenges she faced trying to obtain housing and living on the streets for about 10 years, traveling back and forth to Molokai. Explained her situation and the challenges she faced.

Commissioner Darcy: Have you ever received a citation?

Ms. Schwartz: Responded that she was not officially cited. She suggested churches like St. Teresa for safe parking, since they do charitable things like provide free meals.

In-person Testimony

Jason Schwarz on item #2A: Disclosed that the last testifier was his ex-wife and he's been helping because there have not been enough solutions. Stated he was in support of item 2A. Hoping Mayor can use his power to source funds for basic things we need. Mentioned a gentleman named Genesis Young in Kihei, was granted \$15k from Council to put together a grant proposal to address homeless services in Kihei. Putting it out there to see if that or other things can help. He also stated that private sector needs to exert will to assist with solving the homeless issue.

Commissioner Chase: Thanked Mr. Schwartz for taking the time to testify as each person makes a huge difference.

Jasee Law on item #2A: Testifying in support of item 2A. Wanted to share his experience of being houseless for almost 10 years. Stated just because someone doesn't have a house doesn't make them less than others who have a house. Suggested that government modify the verbiage as "homeless" isn't a good word, instead use houseless. Thanked members for their time and encouraged participation in the meetings.

Commissioner Darcy: Did you receive a citation for illegally camping, etc.?

Mr. Law: Responded no, the only citation received was during COVID for unauthorized activity.

Written testimony

Written testimony was received on 01/26/23 from Paul James Brown. Kula resident who supports item 2A. Mr. Brown's testimony was shared with via screen share and Chair read it out loud since there was not enough time to disseminate amongst commission.

2. NEW BUSINESS

A. Presentation by Commissioner Lisa Darcy – National Homeless Law Center 2022 Forum on the Human Right to Housing

<https://mauicounty.gov/DocumentCenter/View/138492/CHSHPresentation-on-NHLC-Human-Rt-to-Housing>

Commissioner Darcy prefaced the presentation stating it is a combination of decades of observation and research and it's time to acknowledge that the current system has not evolved quickly enough to create the healthy processes necessary. Today the commission has a chance to make a difference and move forward with a solution that heals us.

Chair Lindo acknowledged there was someone who wanted to testify on this agenda item, but since testimony for this agenda item has been closed, she welcomed them to submit written testimony instead.

Commissioner Darcy then shared a PowerPoint with the group, which included two proposals on slide # 19 of for the Commission's consideration as noted below:

For Action: May we restore dignity by recommendation of adopting to our Administration and Police Department:

#1A: The elimination of the practice of citing those living in their vehicles or in make-shift structures who have tried to access the overwhelmed systems.

#1B: The forgiveness of the already written citations who have received citations.

Discussion:

Commissioner Tomoso: Thanked Commissioner Darcy and then asked if the administration and legislators on the 8th floor knew about this and what are they going to do about it?

Commissioner Darcy: Responded that she cannot speak for them, but has tried to contact them asking for meetings, however nothing transpired yet.

Commissioner Chase: Thank you for this and would make the motion to support both of Commissioner Darcy's proposed actions.

Commissioner Crozier: Stated she has been to court with her clients to ask for citation forgiveness. Supports intent.

Vice Chair Tempo: Enjoyed the presentation and stated that she is interested in learning more about it.

Commissioner Kahaleauki: Has also been to court with clients, but not specific to citations. Asked Commissioner Darcy if SYM would consider taking on the safe parking project.

Commissioner Darcy: Clarified on record that what's being asked was not related to the presentation but she would be happy to respond if allowed. Explained that she will be doing a video next week about the safe parking project, step by step on what has happened with the Safe Parking RFP. Also stated that Council said SYM was not allowed to apply for the RFP and that one week was not enough time to do so. However, she is hopeful that the project will be resurrected.

Chair Lindo: Loved the presentation and suggested requesting funding through DHHC so commissioners can attend these trainings. Stated that she supports action items and went into detail on limitation of Commission. Would like Commission to be bold in its efforts but needs to think and talk about how they are legally able to make recommendations, especially collaborating with departments involved. For example, forgiveness of citations, would have to go through appropriate avenues (MPD, Corp Counsel, etc.) Suggested deferring the items and asked DCC Trenholme for input.

DCC Trenholme: Agreed with the idea of including other departments and suggested including the prosecuting attorney's office regarding the citation piece. Reminded members that as an advisory board, commission can make recommendation, but it would be up to the Administration and/or Council to take it from there. Also suggested commission take an additional step by contacting the departments to gather more information regarding the actual implementation.

Commissioner Darcy: Explained the intent today was to be a recommendation from an advisory position and an avenue where we as a commission can say this is really valuable and this is the direction we would like to go.

Commissioner Chase: Referred to conflict regarding MEO land dispute and miscommunication with MPD. (Connectivity was lost midway through her comments)

Commissioner Tomoso: Stated commission should have standing reporting agenda items from various departments and stakeholders such as MPD and DOH to go over items and have open dialogue.

Commissioner Crozier: No final comments or questions.

Chair Lindo: Agrees with Commissioners Darcy and Chase on the importance of having something. Supports effort and intent, but is hesitant and would like to create tangible, realistic solutions and recommendations but current actions leave too many open questions and provided examples of such.

Commissioner Darcy: Thought it was incumbent upon the group to be bold enough to say this is what we're seeing and this is the direction we want to go. This is simply meant to be a recommendation and would be the first step to start a lot more dialogue.

Action Item #1A: *The elimination of the practice of citing those living in their vehicles or in make-shift structures who have tried to access the overwhelmed systems.*

Commissioner Darcy motioned to approve the recommendation of Action Item #1A. Seconded by Commissioner Chase.

Discussion:

Commissioner Tomoso: Asked to hear the motion read word for word.

Chair Lindo: Read the motion out loud as requested. For Action #1A - The elimination of the practice of citing those living in their vehicles or in makeshift structures who have tried to access the overwhelmed systems.

Commissioner Tomoso: Requested clarification and asked that it be clear on who is making the recommendation and who is it being made to, the Department, Mayor?

Chair Lindo: Responded the Commission is making the recommendation to the Administration and council.

DCC Trenholme: To clarify, the screen says to the administration and police department. Would that also be to the council?

Chair Lindo: The motion is to give it to the administration and the police department.

DCC Trenholme: Provided clarification on the proposed verbiage in the motion. Recommendation will be sent to admin, and police department.

Chair Lindo called for the vote.

DCC Trenholme: Informed Chair that an affirmative vote is required. Also informed the group that there was no visual quorum present. Commissioner Chase turned on her video and a visual quorum was present.

Vote on Action Item #1A:

In favor: Crozier, Chase, Tomoso

Opposed: Kahaleauki, Tempo, Lindo

Motion failed. Note: 6 votes are required for motion to pass.

Chair Lindo: Moved to defer item to next agenda, so that all of the members can do their due diligence. Commissioner Crozier seconded the motion.

DCC Trenholme: Informed Chair that she can also reach out to department heads for input. Chair Lindo replied she invited all department heads with the former administration to attend and she would reach out to try again.

Discussion:

Commissioner Chase: Agreed with Chair that inviting the agencies and departments is important. Doesn't think department heads need to be involved at this point as it's the commission's job to make recommendations.

Commissioner Darcy: Echoed Commissioner Chase. Recommendation took a lot of work and a lot of courage from testifiers to come forth. Reiterates that Action Item #1A is a recommendation to take a stance and say we as a commission see this is harmful and we want to recognize that it needs to change.

Chair Lindo: Explained her reasoning on deferring 1A since motion failed. Stated as chair, she will not put things out there just to say things but to create an avenue for change. Needs clarification before making it a set recommendation.

Commissioner Tomoso: Agreed and reiterated the benefit of having department heads present to help advise and guide the commission. Supports Chair's motion.

Commissioner Chase: Informed the body that Council Member Paltin sent a letter to former Mayor Victorino to ask him to communicate with former MPD Chief to provide a position on title disputes. Will support chair's motion to defer.

Vice Chair Tempo: Supports the deferral, sees value, but has own questions and wants more input and information.

Commissioner Darcy: Asked for clarification as to who would be the holder when deferred.

Chair Lindo: Explained that since motion failed, it would be on the next agenda and at that point a new motion would be made.

DCC Trenholme: Interjected and clarified since motion failed that the Chair is asking the commission if they would defer so it could be placed on the next agenda for further consideration, and perhaps a new motion would be made.

Chair Lindo then withdrew her initial motion to defer and Commissioner Crozier withdrew seconded motion.

Action item #1B of proposal: *The forgiveness of the already written citations who have received citations.*

Discussion:

Commissioner Chase: Supports and seconded motion. Proposed an amended motion to read “The forgiveness of the already written citations to those who have received citations directly related to being houseless”.

Vice Chair Tempo: Asked Commissioner Chase for clarification on verbiage on the proposed amendment.

Commissioner Tomoso: Stated that it’s still not clear, similar to motion 1A. Requests to amend current motion to include that a copy of the recommendation be sent to the Office of the Mayor.

Chair Lindo: Asked DCC Trenholme if the recommendation to the Administration also covered the Mayor’s office.

DCC Trenholme: Stated her understanding was that Administration included the Mayor’s office but also asked Commissioner Darcy to state her intent.

Commissioner Darcy: Understood that Administration covered the Mayor’s office and the Mayor would inform all departments.

Commissioner Tomoso: Asked for the entire amended motion to be read word for word.

Chair Lindo: “The Commission on Healing Solutions for Homelessness recommends to the Administration and Police Department the forgiveness of already written citations who have received citations directly related to houselessness”

DCC Trenholme: Asked for clarification on verbiage.

Commissioner Darcy: Replied the proposal was written months ago, she appreciated the amendments, and clarified intended verbiage was as follows: the forgiveness of already written citations to individuals who have received citations directly related to houselessness.

Vote on Action Item #1B:

In favor: Commissioners Tomoso, Chase, Crozier, Kahaleauki, Tempo, and Darcy

Opposed: Chair Lindo

Motion passed. Letter will be drafted and signed by chair.

- B. Training by Deputy Corporation Counsel Christie Trenholme
- i. Overview of Maui County Code Ch. 2.31
DCC Trenholme provided an overview of the purpose of the commission, its powers, duties, and functions as referenced in MCC §2.31.050, focusing on 5 points as listed in the Code.
 - ii. Rules of Practice and Procedure for the Commission on Healing Solutions for Homelessness
DCC Trenholme provided a brief overview regarding the following topics:
 - Members and Operations
 - Annual Report to Council
 - Chairperson, their duties and role
 - Agenda

Discussion:

Chair Lindo: Asked about the best way to go about requesting a budget for the commission to participate in conferences/training and also for staffing for the commission since the rules don't address those items.

DCC Trenholme: Responded that's something the Commission could research and possibly amend their rules accordingly. Also stated the staffing is a countywide struggle but she would ask around and get back to the commission on the matter.

Commissioner Tomoso: Thanked DCC Trenholme and asked since Council established the commission, would it be disrespectful to ask them for funding?

DCC Trenholme: Responded that she was not certain on the structure so she would have to do a little research on the matter.

Commissioner Chase: Thanked everyone for their time and commitment.

Chair Lindo then moved on to item # 4 of the agenda.

3. DHHC Updates (Item was taken up at the beginning of the meeting)

A. Medical Street Outreach

Medical Street outreach proposal through the HUD Supplemental NOFO was selected by Bridging the Gap to be included in their funding application. Thus far, no award has been announced by HUD. However, the County is pursuing a grant agreement with Malama I Ke Ola using County funds to start this program as a medical provider (MD) has been identified. Expect this program to begin operations in February, 2023. Performance measures include:

- 40 unsheltered individuals to have increased access to medical services
- 10 unsheltered individuals will have increased access to behavioral health services
- 10 unsheltered individuals will transition into permanent housing due to more efficient placement in the Coordinated Entry System.

B. Update the County's Comprehensive Plan to End Homelessness

County is executing a contract with EcoNorthwest regarding the Comprehensive Plan to end homelessness. DHHC will work with the Chair to have the agency participate in an upcoming meeting in the near future. Director cautioned Commission members that they are able to participate in community information meetings, focus groups, etc., (as individuals) but commissioners do not have the authority to direct the work of the contractor, nor are they authorized to accrue expenses for the time of the contractor (in, for example, requests for individual meetings, etc.)

C. Update on Safe Sleep Zone Pilot Project

Former Mayor Victorino announced in the fall that a vendor had been selected for this one year, \$200,000 pilot project for safe parking lot for the homeless. However, after review and legal opinion from the Corporation Counsel's office, the contract could not be executed because the Department did not meet the letter of the law which specifically required "solicitation" for the funding. Thereafter the Department issued an Invitation to Bid. The solicitation closed on 12/19/2022, and the County did not receive a single proposal. At this time, the county is not pursuing the project.

4. NEXT MEETING

The next meeting is scheduled on Thursday, February 16, 2023, at 1:30 p.m., which is the 3rd Thursday due to meeting room availability. Chair Lindo asked members to assist with spreading the word on the new date. Agenda will be posted 7 days prior to meeting.

Commissioner Tomoso notified the group that he will be off-island in Japan, so will be unable to join in-person or online.

5. ADJOURNMENT

Chair Lindo adjourned the meeting at 3:43 p.m. No motions were made and no votes were taken.