

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

JUNE 15, 2007

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON FRIDAY, JUNE 15, 2007, BEGINNING AT 9:04 A.M., WITH CHAIR G. RIKI HOKAMA PRESIDING.

CHAIR HOKAMA: The Council of the County of Maui regular meeting of 15 June 2007 shall come to order.

Mr. Clerk, please call the roll.

ROLL CALL

PRESENT: COUNCILMEMBERS MICHELLE ANDERSON, GLADYS C. BAISA, WILLIAM J. MEDEIROS, MICHAEL J. MOLINA, JOSEPH PONTANILLA, VICE-CHAIR DENNIS A. MATEO, AND CHAIR G. RIKI HOKAMA.

EXCUSED: COUNCILMEMBERS JO ANNE JOHNSON AND MICHAEL P. VICTORINO.

DEPUTY COUNTY CLERK JEFFREY T. KUWADA: Mr. Chairman, there are seven members present and two members excused. A quorum is present to conduct the business of the Council.

CHAIR HOKAMA: Thank you very much, Mr. Clerk.

Members, ladies and gentlemen, this morning we are honored to have our colleague from the island of Molokai to give us our opening remarks. So, at this time, I will be happy to recognize Mr. Mateo.

OPENING REMARKS

The opening remarks were offered by Vice-Chair Mateo.

CHAIR HOKAMA: Thank you so much, Mr. Mateo. That was quite appropriate and a great reminder to all of us of the importance of our parents, especially fathers on this special time.

Members, ladies and gentlemen. Let us rise. Repeat the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

The Members of the Council, and others in attendance, rose and recited the Pledge of Allegiance.

CHAIR HOKAMA: I would hope, Mr. Mateo, that if Members or others may want copies of that very appropriate comments this morning, I, if you would share that and make it available, I would personally appreciate it. Thank you so much.

VICE-CHAIR MATEO: Thank you, Chair.

CHAIR HOKAMA: Mr. Clerk, let us proceed with the agenda please.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

DEPUTY COUNTY CLERK: Mr. Chairman, proceeding with the presentation of written or oral testimony, I would note that we have not received any requests for the opportunity to testify, nor have we received any items of written testimony.

CHAIR HOKAMA: Thank you.

Before the Chair closes this portion of today's agenda, the Chair will offer one last opportunity to anyone who wishes to provide testimony on any item that we have agendized for today's 15th of June, 2007, regular Council meeting.

Having no one coming forward, Members, with no objections, the Chair shall close the testimony portion of today's meeting.

MEMBERS VOICED NO OBJECTION.

CHAIR HOKAMA: So ordered.

Mr. Clerk.

The following County Communications were presented.

COUNTY COMMUNICATIONS

NO. 07-181 - CHARMAINE TAVARES, MAYOR,
(dated May 29, 2007)

In accordance with Section 89-11, Hawaii Revised Statutes, transmitting the summary of cost items and a proposed resolution entitled "APPROVING COST ITEMS FOR UNIT 12, POLICE OFFICERS".

The Deputy County Clerk stated that the recommended action is that County Communication No. 07-181 be referred to the Budget and Finance Committee.

NO. 07-182 - CHARMAINE TAVARES, MAYOR,
(dated May 29, 2007)

In accordance with Section 89C-5, Hawaii Revised Statutes, transmitting the summary of cost items and a proposed resolution entitled "APPROVING COST ITEMS FOR EMPLOYEES EXCLUDED FROM UNIT 12, POLICE OFFICERS".

The Deputy County Clerk stated that the recommended action is that County Communication No. 07-182 be referred to the Budget and Finance Committee.

NO. 07-183 - JOSEPH PONTANILLA, COUNCILMEMBER,
(dated June 6, 2007)

Requesting that the matter relating to a comprehensive update to the fees, rates, assessments and taxes contained in Appendix B of the Fiscal Year 2008 Budget be referred to the appropriate standing committee of the Council.

The Deputy County Clerk stated that the recommended action is that County Communication No. 07-183 be referred to the Budget and Finance Committee.

NO. 07-184 - GLADYS C. BAISA, COUNCILMEMBER,
(dated June 1, 2007)

Transmitting a letter dated May 22, 2007, from James D. Loux of Bio Energy Systems of Hawaii, Incorporated, requesting the opportunity to conduct a

presentation relating to the RENEWW Project - RENewable Energy from Wood Waste.

The Deputy County Clerk stated that the recommended action is that County Communication No. 07-184 be referred to the Planning Committee.

NO. 07-185 - KALBERT K. YOUNG, DIRECTOR OF FINANCE,
(dated May 31, 2007)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 14.70, MAUI COUNTY CODE, RELATING TO IMPACT FEES FOR TRAFFIC AND ROADWAY IMPROVEMENTS IN HANA, MAUI, HAWAII".

The Deputy County Clerk stated that the recommended action is that County Communication No. 07-185 be referred to the Planning Committee.

NO. 07-186 - KALBERT K. YOUNG, DIRECTOR OF FINANCE,
(dated May 31, 2007)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 14.74, MAUI COUNTY CODE, RELATING TO IMPACT FEES FOR TRAFFIC AND ROADWAY IMPROVEMENTS IN MAKAWAO-PUKALANI-KULA, MAUI, HAWAII".

The Deputy County Clerk stated that the recommended action is that County Communication No. 07-186 be referred to the Planning Committee.

NO. 07-187 - KALBERT K. YOUNG, DIRECTOR OF FINANCE,
(dated May 31, 2007)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 14.76, MAUI COUNTY CODE, RELATING TO IMPACT FEES FOR TRAFFIC AND ROADWAY IMPROVEMENTS IN WAILUKU-KAHULUI, MAUI, HAWAII".

The Deputy County Clerk stated that the recommended action is that County Communication No. 07-187 be referred to the Planning Committee.

NO. 07-188 - KALBERT K. YOUNG, DIRECTOR OF FINANCE,
(dated May 31, 2007)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 14.78, MAUI COUNTY CODE, RELATING TO IMPACT FEES FOR TRAFFIC AND ROADWAY IMPROVEMENTS IN PAIA-HAIKU, MAUI, HAWAII".

The Deputy County Clerk stated that the recommended action is that County Communication No. 07-188 be referred to the Planning Committee.

NO. 07-189 - DANNY A. MATEO, COUNCILMEMBER,
(dated June 6, 2007)

Transmitting copies of correspondence between the Director of the Department of Housing and Human Concerns and the Executive Director of Hale Mahaolu relating to the Hale Mahaolu Homeownership and Housing Counseling Services grant application.

The Deputy County Clerk stated that the recommended action is that County Communication No. 07-189 be referred to the Policy Committee.

NO. 07-190 - MADELYN S. D'ENBEAU, DEPUTY CORPORATION COUNSEL,
(dated May 30, 2007)

Transmitting a proposed resolution entitled "AUTHORIZING PROCEEDINGS IN EMINENT DOMAIN FOR THE ACQUISITION OF REAL PROPERTY SITUATED AT PAIA, MAUI, HAWAII, KNOWN AS UNIT 2 OF THE MONTANA BEACH CONDOMINIUM, FOR PUBLIC PURPOSES".

The Deputy County Clerk stated that the recommended action is that County Communication No. 07-190 be referred to the Policy Committee.

NO. 07-191 - MILTON M. ARAKAWA, DIRECTOR OF PUBLIC WORKS AND ENVIRONMENTAL MANAGEMENT, (dated June 4, 2007)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 12.02, MAUI COUNTY CODE, PERTAINING TO CLEANING AND MAINTAINING SIDEWALKS".

The Deputy County Clerk stated that the recommended action is that County Communication No. 07-191 be referred to the Public Works and Facilities Committee.

NO. 07-192 - JEFFREY K. ENG, DIRECTOR OF WATER SUPPLY,
(dated June 7, 2007)

Transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ended May 2007.

The Deputy County Clerk stated that the recommended action is that County Communication No. 07-192 be referred to the Water Resources Committee.

CHAIR HOKAMA: Thank you.

Members, you have the Chair's recommendation of referral to the various standing committees of the Council. Are there any questions or requests to be made? Having none, Members, those items as read by the Clerk shall be referred to the standing committees of the Council as noted on the left-hand margin of your agenda.

Mr. Clerk.

The following bills for second and final reading were presented.

ORDINANCES

ORDINANCE NO. _____
BILL NO. 29 (2007)

A BILL FOR AN ORDINANCE AMENDING APPENDIX A
OF THE FISCAL YEAR 2007 BUDGET FOR THE
COUNTY OF MAUI AS IT PERTAINS TO THE
DEPARTMENT OF POLICE

CHAIR HOKAMA: Thank you.

Mr. Pontanilla.

COUNCILMEMBER PONTANILLA: Thank you, Chair.

I MOVE TO PASS ON SECOND AND FINAL READING BILL NO. 29.

COUNCILMEMBER MOLINA:

SECOND.

CHAIR HOKAMA: We have a motion by Mr. Pontanilla, seconded by Mr. Molina, to pass Bill 29 on second and final reading. Mr. Pontanilla.

COUNCILMEMBER PONTANILLA: Thank you, Chair.

Adoption of this bill will amend Appendix A of the Fiscal Year 2007 Budget to recognize the acceptance of \$83,960 in grant funds from the Sprint-Nextel Corporation for the Department of Police, Nextel, ah, Sprint-Nextel Radio Re-Banding Project.

I urge Members to support this bill.

Thank you.

CHAIR HOKAMA: Thank you.

Members, any further discussion? Having none, all in favor of the motion please say "aye."

AYES: COUNCILMEMBERS ANDERSON, BAISA,
MEDEIROS, MOLINA, PONTANILLA,
VICE-CHAIR MATEO, AND CHAIR HOKAMA.

CHAIR HOKAMA: Opposed, say "no."

NOES: NONE.

EXCUSED: COUNCILMEMBERS JOHNSON AND VICTORINO.

CHAIR HOKAMA: Motion is carried. We have seven "ayes"; two "excused", Ms. Johnson and Mr. Victorino. Bill 29 passes second and final reading.

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 30 (2007)

A BILL FOR AN ORDINANCE AMENDING APPENDIX A
OF THE FISCAL YEAR 2007 BUDGET FOR THE
COUNTY OF MAUI AS IT PERTAINS TO THE
DEPARTMENT OF FIRE AND PUBLIC SAFETY

CHAIR HOKAMA: Mr. Pontanilla.

COUNCILMEMBER PONTANILLA: Thank you, Chair.

I MOVE TO PASS ON SECOND AND FINAL READING BILL NO. 30.

COUNCILMEMBER MOLINA:

SECOND.

CHAIR HOKAMA: We have a motion by Mr. Pontanilla, seconded by Mr. Molina, to pass Bill 30 on second and final reading. Mr. Pontanilla.

COUNCILMEMBER PONTANILLA: Thank you.

Adoption of this bill amends Appendix A of the Fiscal 2007 Budget to recognize the acceptance of \$12,390 in grant funds from the Fireman's Fund Insurance Company for the Department of Fire and Public Safety for purpose of funding equipment, training, or public safety and educational outreach.

Thank you, Chair.

CHAIR HOKAMA: Thank you, Mr. Pontanilla.

Members, any further discussion? Having none, all in favor of the motion please say "aye."

AYES: COUNCILMEMBERS ANDERSON, BAISA,
MEDEIROS, MOLINA, PONTANILLA,
VICE-CHAIR MATEO, AND CHAIR HOKAMA.

CHAIR HOKAMA: Opposed, say "no."

NOES: NONE.

EXCUSED: COUNCILMEMBERS JOHNSON AND VICTORINO.

CHAIR HOKAMA: Motion is carried. We have seven "ayes"; two "excused", Ms. Johnson and Mr. Victorino. Bill 30 passes second and final reading.

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 31 (2007)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2007 BUDGET FOR THE
COUNTY OF MAUI AS IT PERTAINS TO
THE DEPARTMENT OF PARKS AND RECREATION, TOTAL OPERATING
APPROPRIATIONS, AND TOTAL CAPITAL IMPROVEMENT
PROJECT APPROPRIATIONS

CHAIR HOKAMA: Mr. Pontanilla.

COUNCILMEMBER PONTANILLA: Thank you.

MOVE TO PASS ON SECOND AND FINAL READING BILL NO. 31.

COUNCILMEMBER MOLINA:

SECOND.

CHAIR HOKAMA: We have a motion by Mr. Pontanilla, seconded by Mr. Molina, to pass Bill 31 on second and final reading. Mr. Pontanilla.

COUNCILMEMBER PONTANILLA: Thank you, Chair.

Adoption of this bill amends the Fiscal 2007 Budget pertaining to the Department of Parks and Recreation. The amendments acknowledge a decrease in appropriations to the Park Maintenance Program of \$47,175, and the addition of a Capital Improvement Appropriation of the same amount for a project titled the "Construction/Maintenance Baseyard at Iron Maehara Baseball Stadium". The amendments more properly reflect expenditures made by the Department for materials purchased for construction.

I urge all Members to support this bill.

Thank you.

CHAIR HOKAMA: Members, any further discussion? Having none, all in favor of the motion please say "aye."

AYES: COUNCILMEMBERS ANDERSON, BAISA,
MEDEIROS, MOLINA, PONTANILLA,
VICE-CHAIR MATEO, AND CHAIR HOKAMA.

CHAIR HOKAMA: Opposed, "no."

NOES: NONE.

EXCUSED: COUNCILMEMBERS JOHNSON AND VICTORINO.

CHAIR HOKAMA: Motion is carried. We have seven "ayes"; two "excused", Ms. Johnson, Mr. Victorino. Bill 31 passes second and final reading.

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 32 (2007)

A BILL FOR AN ORDINANCE AMENDING APPENDIX A
OF THE FISCAL YEAR 2007 BUDGET FOR THE
COUNTY OF MAUI AS IT PERTAINS TO THE
CIVIL DEFENSE AGENCY

CHAIR HOKAMA: Mr. Pontanilla.

COUNCILMEMBER PONTANILLA: Thank you, Chair.

MOVE TO PASS ON SECOND AND FINAL READING BILL NO. 32.

COUNCILMEMBER MOLINA:

SECOND.

CHAIR HOKAMA: We have a motion by Mr. Pontanilla, seconded by Mr. Molina, to pass Bill 32 on second and final reading. Mr. Pontanilla.

COUNCILMEMBER PONTANILLA: Thank you, Chair.

Adoption of this bill amends Appendix A of the Fiscal 2007 Budget pertaining to the Civil Defense Agency, recognizing the addition of three grant allocations from the State of Hawaii Department of Defense, Office of the Director of Defense, in the amounts of \$700,000 for funding for the State Homeland Security Program; \$400,000 for funding for the Law Enforcement Terrorism Prevention Program; and \$38,582 for the Citizen Corps Program.

Thank you, Chair.

CHAIR HOKAMA: Thank you. Members, are there any further discussion on the motion? Having none, all in favor of the motion please say "aye."

AYES: COUNCILMEMBERS ANDERSON, BAISA,
MEDEIROS, MOLINA, PONTANILLA,
VICE-CHAIR MATEO, AND CHAIR HOKAMA.

CHAIR HOKAMA: Opposed, "no."

NOES: NONE.

EXCUSED: COUNCILMEMBERS JOHNSON AND VICTORINO.

CHAIR HOKAMA: Motion is carried: seven "ayes"; two "excused", Ms. Johnson and Mr. Victorino. Bill 32 passes second and final reading.

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 33 (2007)

A BILL FOR AN ORDINANCE AMENDING APPENDIX A
OF THE FISCAL YEAR 2007 BUDGET FOR THE
COUNTY OF MAUI AS IT PERTAINS TO THE
DEPARTMENT OF HOUSING AND HUMAN CONCERNS

CHAIR HOKAMA: Mr. Pontanilla.

COUNCILMEMBER PONTANILLA: Thank you, Chair.

MOVE TO PASS ON SECOND AND FINAL READING BILL NO. 33.

COUNCILMEMBER MOLINA:

SECOND.

CHAIR HOKAMA: We have a motion by Mr. Pontanilla, seconded by Mr. Molina, to pass Bill 33 on second and final reading. Mr. Pontanilla.

COUNCILMEMBER PONTANILLA: Thank you, Chair.

Adoption of this bill amends Appendix A of the Fiscal 2007 Budget pertaining to the Department of Housing and Human Concerns, acknowledging the acceptance of grant funds in the amount of \$400,000 by the County of Maui, Department of Housing and Human Concerns, for the Temporary Emergency Housing and Supportive Services Program.

During the first reading of this bill, it was strongly urged by the Members that the Administration negotiate with the State certain revisions relating to the Memorandum of Agreement prior to its execution and that a copy of the Memorandum of Agreement be transmitted to this body prior to second and final reading of this proposed bill to amend the Fiscal Year 2007 Budget.

A communication dated June 13, 2007, from the Office of the Mayor, documents the Administration's efforts to satisfy the Council's request. Though the Administration was unsuccessful in negotiating all the modifications to the MOA requested by this body, I remain comfortable with their best effort and urge the Members to support at this second and final reading, the acceptance of this \$400,000 that will benefit the emergence--emergency shelter program and care for homeless individuals and families in our community.

Thank you, Chair.

CHAIR HOKAMA: Thank you.

Members, before the Chair opens additional opportunities for discussion and comment by you, the Chair will just note that in attendance, we do have the Deputy Director of the Department, Ms. Tsuhako, available should the Members have questions regarding the Memorandum of Agreement; and to please keep it within the scope of the motion, the parameters of the motion.

Members, further discussion? Mr. Mateo.

VICE-CHAIR MATEO: Chairman, thank you.

I will be supporting the motion on the floor. I am, I am one of the Members that, that shared my concerns and my issues when we first discussed the \$400,000 from, from the State. I still have my major issues. These are issues that are pertaining directly to the State and the allocation of these monies and the inability of the State to help us recognize the full scope of the homeless problem we have on, on this in our County.

The 400,000, however, Chairman, is a good beginning for us. We need to initiate programs immediately in, in being able to address the shelter needs for our homeless. And though I am not too happy with how it transpired, I am ready today to take on the need and address the issues of having State support our needs. So I will be supporting the bill and, hopefully, soon be able to appreciate the fruits of this \$400,000 from our generous State.

Thank you.

CHAIR HOKAMA: Thank you very much, Mr. Mateo.

Are there further comments? Ms. Baisa.

COUNCILMEMBER BAISA: Thank you, Chair.

Since we have the resources available to us in the chamber, would it be appropriate to request an update if they've made any progress with the MOA and, you know, how we're doing here?

CHAIR HOKAMA: With no objections, the Chair will be happy to ask Deputy Director Tsuhako. The Chair would just note also Members that through a communication from the Office of the Mayor dated June 13, 2007, we did receive a communication from the Mayor stating their sincere efforts in trying to revise the Memorandum of Agreement. And they were successful on one of three points that we have raised from the Council, and I would ask Ms. Tsuhako if she can provide additional comment at this time.

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS LORI TSUHAKO: Thank you, Mr. Chair. Good morning, Members.

As was noted in the, in the Mayor's correspondence dated June 13, we were successful only in obtaining an amendment to item number two, which was, if you look at your Memorandum of Agreement, is under roman numeral No. III, the "OPTION TO EXTEND", the language of "extension up to a period of twelve

months"--through written--"through mutual agreement", was added. So it's no longer solely at the discretion of the Hawaii Public Housing Authority. That is the only modification to the proposed MOA that we were able to negotiate with the State.

CHAIR HOKAMA: Ms. Baisa, you have any questions on the status Ms. Tsuhako gave?

COUNCILMEMBER BAISA: Well, Chair, I'm, I regret that I didn't have the opportunity to peruse this letter before now. So I'm kind of behind the eight ball. But I know that we had some serious concerns about the MOA and had left it to Administration to try to do what they could and, apparently, this is the result of what they can do.

And if we could have a brief recess, Chair, I would really like the opportunity to read this.

CHAIR HOKAMA: The Chair will grant a short recess to nine-thirty.

(THE MEETING WAS RECESSED BY THE CHAIR AT 9:26 A.M., AND WAS RECONVENED AT 9:30 A.M., WITH ALL MEMBERS PRESENT EXCEPT COUNCILMEMBERS JOHNSON AND VICTORINO, BOTH EXCUSED.)

CHAIR HOKAMA: The regular Council meeting of 15 June 2007 shall return to order.

Members, you have a motion before you which is passage of Bill No. 33 on second and final reading. Ms. Baisa.

COUNCILMEMBER BAISA: Thank you, Chair.

I'd like to continue. I have a few more questions. I'd like to ask Ms., Ms. Tsuhako if any progress has been made in the renegotiating of or getting a longer term negotiation on the lease that the property that, where this is going to be located, I'd like to know the status of the redoing of the lease.

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS: Thank you, Member Baisa.

I see Maude Cumming who is the Executive Director of Family Life Center in the audience. I'd like to ask her to come down and address your question, please.

CHAIR HOKAMA: Members, any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR HOKAMA: Thank you.

State your name for the record, please.

MS. MAUDE CUMMING: Maude Cumming, Director of Family Life Center.

COUNCILMEMBER BAISA: Good morning.

MS. CUMMING: Thank you.

The, I have asked about it. The President and the, the President has been off-island and he just returned, so I don't think it's going to be a problem. The rest of the Board agrees with it, and so I, I don't think it's going to be a problem. But, no, we haven't had--we haven't changed the lease yet.

CHAIR HOKAMA: Ms. Baisa.

COUNCILMEMBER BAISA: Thank you, Chair.

Thank you for being here.

So the current status of your lease with the owner is for a ten-year lease?

MS. CUMMING: Yes.

COUNCILMEMBER BAISA: And we will be making these substantial improvements to the property, which amount to right now over a million dollars. Correct?

MS. CUMMING: No. It's about 700,000.

COUNCILMEMBER BAISA: Seven hundred thousand dollars that we have from the County and the State.

MS. CUMMING: Yes.

COUNCILMEMBER BAISA: However, it's been my experience that I've never seen these contracts pencil out the way, you know, they are. Unfortunately, the prices just goes up, the prices goes up, and then we find out we need all kinds of other things.

MS. CUMMING: Yes.

COUNCILMEMBER BAISA: I have much experience with building facilities.

MS. CUMMING: I agree.

COUNCILMEMBER BAISA: And so at the end of ten years, essentially, we will have put in a very substantial investment into a property that we don't own.

MS. CUMMING: Yes.

COUNCILMEMBER BAISA: My goal and what I would like to see is a longer lease. You know, when I negotiated with funders, often they wanted to be sure that we had enough life of a lease to justify the investment. So, of course, I would like to see a much longer lease than ten years, and that's where I'm coming from.

MS. CUMMING: Yes. I know, I know we discussed a possible fifteen-year lease, and, and I think that is, that is possible and it doesn't look like it's going to be a problem.

COUNCILMEMBER BAISA: Thank you.

MS. CUMMING: Thank you.

CHAIR HOKAMA: Are there any further questions for Ms. Cumming at this time?
Ms. Anderson.

COUNCILMEMBER ANDERSON: Ms. Cumming, you said that your Board still has to meet on the issue. But does that mean that the landowner has offered you a fifteen-year lease?

MS. CUMMING: I have discussed it with the members of the Board, and they are agreeable to that. We, initially, when we did it, we just picked a term and it was ten years. And so the, the, it could be another length of time. So I, I don't see a problem.

COUNCILMEMBER ANDERSON: I'm asking if the landowner has given you any indication that he's willing to extend the lease?

MS. CUMMING: Yes.

COUNCILMEMBER ANDERSON: Okay.

MS. CUMMING: I don't have anything in writing yet, but, verbally, yes.

COUNCILMEMBER ANDERSON: And, and how much time is left on your current lease?

MS. CUMMING: It was done in 2004, so seven years?

COUNCILMEMBER ANDERSON: You have seven years left?

MS. CUMMING: Yes.

COUNCILMEMBER ANDERSON: Okay.

Thank you, Chair. I have a question for staff if possible.

CHAIR HOKAMA: I'll recog--we'll recognize you at the appropriate time, Ms. Anderson.

COUNCILMEMBER ANDERSON: Thank you.

CHAIR HOKAMA: Members, are there any further questions for Ms. Cumming?

If not, Ms. Cumming, thank you very much for your--

MS. CUMMING: Thank you.

CHAIR HOKAMA: --assistance this morning.

Questions/discussion on the motion before you? Ms. Anderson.

COUNCILMEMBER ANDERSON: Thank you.

Ms. Tzuhako, what we're agreeing to is accept the money on behalf, actually, on behalf of your Department, from the State. But then you will be signing an agreement or a grant to give it to this organization. So do you have any criteria that you could put in your agreement or any kind of standard that you folks are looking at to ensure that we have a long-term lease? Seven years isn't a very long time to be investing a million dollars on a piece of property.

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS: Thank you for your question, Member Anderson.

Also in our gallery today is Mr. Rudy Esquer, who's our Grants Management Administrator. And, and Mr. Esquer has been in conversation with Ms. Cumming from Family Life Center, as well as with Corporation Counsel, about adding such language to the grant agreement which will allow us to give the funds to Family Life Center. And if it's agreeable to you, I'd like to have him come down and address that, please.

CHAIR HOKAMA: Ms. Anderson, is that your request?

COUNCILMEMBER ANDERSON: I think she's answered the question. If she can just give us an idea of how much time that you're going to be requesting in the agreement, how much, you know, the length of the lease.

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS: I understand, excuse me, I understand in my con--from my conversation with Mr. Esquer, that he was advised by Corporation Counsel that the maximum length of time that could be asked of Family Life Center to agree to provide services for homeless services would be ten years.

COUNCILMEMBER ANDERSON: The maximum would be ten years?

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS: Yes.

COUNCILMEMBER ANDERSON: So it's possible that we could have them renew their lease as of now to extend it to ten years beyond the seven years they currently have?

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS: Yes.

COUNCILMEMBER ANDERSON: Okay. That's fine with me.

Thank you, Chairman.

CHAIR HOKAMA: Okay. Any further questions/discussion, Members?

The Chair will ask Mr. Kushi from the office of Corporation Counsel how did the Department determine the ten-year period, please?

DEPUTY CORPORATION COUNSEL EDWARD S. KUSHI JR.: Mr. Chair, unfortunately, it wasn't from me. It was apparently from another Deputy Corp. Counsel, and I'm not aware of any ten-year maximum.

CHAIR HOKAMA: Thank you.

Ms. Tshako, do you have information for the Council this morning on how we arrived at this ten-year figure instead of fifteen, for example, or twenty-five years?

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS: Mr. Chair, I got that number in my conversation with Mr. Esquer, and I believe that he consulted with Ms. Young about that.

CHAIR HOKAMA: Okay. If the Members require, I will be happy to forward a letter for a written response on how that determination was for ten years, and have that response, upon receipt, transmitted to each Member.

Ms. Baisa.

COUNCILMEMBER BAISA: Mr. Chair. I, I would like to clarify my feelings about this.

First of all, I am 100 percent in support of homeless services. They are badly needed in our community. We have a serious issue here that needs to be dealt with. And I commend the Family Life Center for taking it on and for what they're doing.

I just want to be sure that we protect the County and the investment, and that our lease with the owner protects that so that we will not at the end of some point in time wind up with the property being sold or, you know, not available to us anymore. Because we need to assure ourselves that we have adequate facilities to take care of our problem, and also that services will not be interrupted. And that's the only thing that I'm driving at is I'd like to see a real good solid contract to protect our investment and to protect the services.

CHAIR HOKAMA: Thank you, Ms. Baisa.

Any further discussion, Members?

The Chair will add that I am happy to support the motion brought forward by Mr. Pontaniilla, and thank Ms. Tshako and Mayor Tavares' Administration for their sincere efforts to renegotiate the memoran--Memorandum of Agreement with the State of Hawaii.

But the Chair will state to all departments we do not appreciate budget amendments on the final meeting of the fiscal year. This is not how we would like this County to be operated. So I'm giving you full notice that the Chair will be very deliberate in scrutinizing what will be forwarded from the beginning of this upcoming fiscal year.

With that, Members--Mr. Molina.

COUNCILMEMBER MOLINA: Yeah, thank you, Chair. My apologies for jumping in at the last minute with this, but I just wanted to give my comments.

You know, I'll support it. My only question is, well, I'm, first of all, I'm glad to see the State finally stepping up. But when I look at the Memorandum of Agreement in terms of the amounts allocated for each County, you know 400,000 for Maui County, which includes Molokai - Lanai, and then you have Kauai, same thing, 400,000, in terms of

population. So I kinda question, you know, with no disrespect to Kauai, but, you know, they get the same amount as us. They can do more with that 400,000 than what we can. So I would only question the State as to why they couldn't give Maui County a little bit more, you know. So that is my only concern.

But I would hope that the support doesn't end from the State, and that they continue to monitor the situation that we have here on Maui County.

Thank you.

CHAIR HOKAMA: Thank you, Mr. Molina.

Members, any comments before I call for the question? Having none, all in favor of the motion please say "aye."

AYES: COUNCILMEMBERS ANDERSON, BAISA,
MEDEIROS, MOLINA, PONTANILLA,
VICE-CHAIR MATEO, AND CHAIR HOKAMA.

CHAIR HOKAMA: Opposed, say "no."

NOES: NONE.

EXCUSED: COUNCILMEMBERS JOHNSON AND VICTORINO.

CHAIR HOKAMA: Motion is carried. We have seven "ayes"; two "excused", Ms. Johnson and Mr. Victorino. Bill 33 passes second and final reading.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chairman, nothing further is scheduled to come before the Council.

CHAIR HOKAMA: Thank you very much.

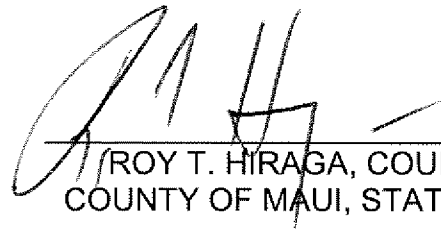
Members, we are at the end of the agenda. The Chair is open to the announcements by the various Members of the Council. This morning the Chair will start off with Mr. Mateo.

ANNOUNCEMENTS

Members of the Council offered various announcements.

ADJOURNMENT

There being no further business before the Council, the regular meeting of June 15, 2007, was adjourned by the Chair at 9:58 a.m.



ROY T. HIRAGA, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII