

HOUSING, HUMAN SERVICES, AND TRANSPORTATION COMMITTEE

Council of the County of Maui

MINUTES

December 4, 2014

Council Chamber

CONVENE: 1:32 p.m.

PRESENT: VOTING MEMBERS:

Councilmember Stacy Crivello, Chair
Councilmember Elle Cochran, Vice-Chair
Councilmember Gladys C. Baisa (arr. 1:34 p.m.)
Councilmember Robert Carroll
Councilmember Donald G. Couch, Jr.
Councilmember Don S. Guzman
Councilmember Michael P. Victorino (arr. 1:40 p.m.)

STAFF: Michele Yoshimura, Legislative Analyst
Clarita Balala, Committee Secretary

Ella Alcon, Council Aide, Molokai Council Office (via telephone conference bridge)
Kimberly Willenbrink, Legislative Analyst, assisting at Lanai Council Office (via telephone conference bridge)
Dawn Lono, Council Aide, Hana Council Office (via telephone conference bridge)

ADMIN.: Jo-Ann Ridao, Director, Department of Housing and Human Concerns
Gary Murai, Deputy Corporation Counsel, Department of the Corporation Counsel

Seated in the gallery:

Mark Walker, Deputy Director, Department of Finance

OTHERS: Steve Miller, Board Member, Ka Hale A Ke Ola Homeless Resource Centers, Inc.
Erin Fleming, Chief Executive Officer, Ka Hale A Ke Ola Homeless Resource Centers, Inc.
Thanaid Uralwong, Chief Financial Officer, Ka Hale A Ke Ola Homeless Resource Centers, Inc.
(8) additional attendees

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

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CHAIR CRIVELLO: . . . *(gavel)*. . . The meeting of the Housing, Human Services, and Transportation Committee will now come to order. It is 1:32 p.m. on Thursday, December 4, 2014. Before we begin, may I please request that we all turn off or silence our cell phones or other noise-making devices. And at this time I'd like to introduce our Committee Members. Committee Vice-Chair Elle Cochran.

VICE-CHAIR COCHRAN: Aloha. Good afternoon, Chair.

CHAIR CRIVELLO: Aloha. Council Chair Gladys Baisa is excused at this moment. We have with us Member Bob Carroll.

COUNCILMEMBER CARROLL: Good afternoon, Chair.

CHAIR CRIVELLO: Good afternoon. And good afternoon, Member Don Couch.

COUNCILMEMBER COUCH: Good afternoon, Chair.

CHAIR CRIVELLO: Member Don Guzman. Aloha.

COUNCILMEMBER GUZMAN: Good afternoon, Chair. Aloha.

CHAIR CRIVELLO: Member Mike Victorino is excused for the moment. He is expected in later. Also at this time I'd like to introduce from the Administration from our Department the Director of Housing and Human Concerns, Jo-Ann Ridao.

MS. RIDAO: Good afternoon, Chair.

CHAIR CRIVELLO: And our Deputy Corporation Counsel, Gary Murai.

MR. MURAI: Good afternoon, Madam Chair.

COUNCILMEMBER BAISA: And the tardy Ms. Baisa. I'm sorry.

CHAIR CRIVELLO: And our Chair, Gladys Baisa. With us to staff us this afternoon is Clarita Balala, Committee Secretary and Legislative Analysis...Analyst, Michele Yoshimura. Members, we have two items on the agenda today, HHT-7, Hale Makana O Waiale Rental Rehabilitation Facility and Ka Hale A Ke Ola Homeless Resource Centers, and Communications referral to the Council Chair for the term beginning January 2, 2015, pursuant to Rule 23 of the Rules of the Council. I'd like to then start with public testimony at this time. I'd like to check in with our District Offices. Dawn Lono from our Hana District Office.

MS. LONO: Good afternoon, Chair. This is Dawn Lono at the Hana Office.

CHAIR CRIVELLO: Good afternoon. And from our Lanai District Office.

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MS. WILLENBRINK: Good afternoon, Chair. This is Kim Willenbrink staffing the Lanai District Office this afternoon.

CHAIR CRIVELLO: Thank you, Kim. And from our Molokai District Office, Ella Alcon.

MS. ALCON: Good afternoon, Chair. This is Ella Alcon on Molokai.

CHAIR CRIVELLO: Thank you, Ella. For individuals who will be testifying in the Chamber, please sign up at the desk located at the eighth floor lobby just outside the Chamber door. If you will be testifying from the remote testimony locations specified on the meeting agenda, please sign up with Council Staff at that location. Testimony will be limited to the items listed on the agenda today, and pursuant to the Rules of the Council, each testifier will be allowed to testify for up to three minutes per item with one minute to conclude if requested. When testifying, please state your name and the name of any organization you are representing. Do we have any testifiers?

MS. BALALA: No. There is no one.

CHAIR CRIVELLO: At this time, we have no testifiers from our Chamber. I'll check with our District Office. Hana, any testifiers?

MS. LONO: The Hana Office has no one waiting to testify, Chair.

CHAIR CRIVELLO: Thank you. Lanai, any testifiers?

MS. WILLENBRINK: There's no one here to testify on Lanai.

CHAIR CRIVELLO: And the Molokai District Office, any testifiers?

MS. ALCON: There's no one here on Molokai waiting to testify.

CHAIR CRIVELLO: Thank you. Being that there are no testifiers and there's no one in the gallery or at the District Office who would like to testify, I would then, if there are no objections, close...will close public testimony because there appears to be no testifiers.

COUNCIL MEMBERS: No objections.

CHAIR CRIVELLO: Thank you. Testimony...testifying is closed.

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ITEM NO. 7: HALE MAKANA O WAIALE RENTAL REHABILITATION FACILITY AND KA HALE A KE OLA HOMELESS RESOURCE CENTERS, INC. (MISC (BF CR 13-51); CC 13-204)

CHAIR CRIVELLO: I'd like to then start with the agenda item with HHT-7, Hale Makana O Waiale Rental Rehabilitation Facility and Ka Hale A Ke Ola Homeless Resource Centers, Incorporated. The Committee is in receipt of the following: 1) Miscellaneous Communication, dated April 22, 2013, from the County Clerk relating to a review of the management of the Hale Makana O Waiale Rental Rehabilitation Facility; 2) County Communication 13-204 from myself as Chair of this Committee relating to the operation and management of Ka Hale A Ke Ola Homeless Resource Centers, and correspondence, dated January 29, 2014, from the Director of Housing and Human Concerns, transmitting a Project Assessment Report for Hale Makana O Waiale prepared by Cirrus Asset Management, Incorporated. Members, this is our Committee's sixth meeting to discuss this item. Before I go any further, I really would like to thank Director Jo-Ann Ridao and Gary Murai for their commitment and diligence with this item. If you will recall in 2013, I guess it was during the Budget Session, what came upon us was request for monies from this entity as well as realizing that we had outstanding debts that were never...payments were never received. Our Committee was tasked to find a means of recouping I guess these financial woes that was facing this particular entity. So a little bit background. The County issued general obligation bond on behalf of Ka Hale A Ke Ola Homeless Resource Centers, Incorporated, for Hale Makana O Waiale. The loan is for \$4 million to be repaid by the agency to the County of Maui. The loan with the agency is in default, however, the County did pay the debt on the bond. Ka Hale A Ke Ola did make some payments to the County, however, for over ten years no payment has been made. Ka Hale A Ke Ola now is in a position to place funds into their reserve account for repair and maintenance, as well as repay the County \$100,000 per year beginning January 1, 2015. You should have a letter dated December 1, 2014 from CEO of Ka Hale A Ke Ola, Erin Fleming. Before we go any further, I'd like to ask our Director to give a little of her comments and also Gary Murai. I gotta say thank you to Corporation Counsel because it was reams and reams of paper that was a maze. I was just amazed myself to see what we had to go through. So at this time, Director Ridao.

MS. RIDAO: Thank you, Chair, and good afternoon, Members of Housing, Human Concerns [*sic*], and Transportation Committee. I am very happy to be at this day. It's kind of a Christmas present I think for everyone. You know, it was a long and treacherous road. It was hard work, but I think it all was worth it. You have before you today a letter from the CEO of Ka Hale A Ke Ola spelling out what they would be able to pay the County on an annual basis. I think this is probably the framework that we as the Administration will start working with them on a repayment plan, legal documents, and schedule. You also have before you, I believe, the funding reserves study or funding reserve analysis that brought them to this figure in the letter. I know that Erin as the Chief Executive Officer is here today, but she is unable under...under special rules or regulations...she's unable as a former County employee to testify before you today. However, she has brought with her a Board Member, Steve Miller, and she's brought with her, her Financial Officer, Thanaid. So if we get into a discussion, I'm sure those two gentlemen

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would be very able to answer any questions that you may have. So, Chair, whichever way you want to go.

CHAIR CRIVELLO: I'd like to...before we go any further I'd like to welcome Councilmember Victorino. Thank you for being here. Mr. Murai, any comments?

MR. MURAI: Well, first of all, Madam Chair, thank you for the kind words. I really appreciate that. And I do want to say that, you know, considering where we were a couple years ago, I think the job that the Ka Hale A Ke Ola administration and board have done so far is nothing short of miraculous. You know, I know the Members have in front of them the December 1st letter from Ms. Fleming, and I guess this is a great start. I do want to note that the County, while we still need to firm up the other terms that a agreement or a promissory note would encompass, we still need to work out whether, you know, well, I guess the first thing we need to do is things like determine what...exactly what is the principal and interest that have accrued so far. Whether this new agreement would bear interest or not, and I do note that it's somewhat of a contingent proposal where depending on their finances and depending on what their maintenance cost may be in any given year that the annual payment may have to be adjusted. So we still have a lot of work to do and as I understand, you know, the purpose of this hearing today is more to provide the Committee with an update as to where we are at. Other than that I would also be glad to answer any questions that Committee Members may have.

CHAIR CRIVELLO: Thank you, Mr. Murai. Members, if you don't have any objections, I'd like to call Mr. Miller forward.

COUNCIL MEMBERS: No objections.

CHAIR CRIVELLO: Mr. Miller. Please introduce yourself and your position.

MR. MILLER: Yeah. Good afternoon, Chair Crivello and Members of the Housing, Human Services, and Transportation Committee. My name is Steve Miller. I have served on the Board of Directors of Ka Hale A Ke Ola for about three years and I also Chair the Property Management Committee which was established to assist management with the turnaround of Hale Makana's operations taking place over the past six to nine months. And I just want to clarify that Hale Makana is an entirely separate entity from Ka Hale A Ke Ola. Ka Hale A Ke Ola is the managing general partner and manages KHAKO...or manages Hale Makana under a property management agreement. And also, the value of Hale Makana, it is 200 units which is a small dent in the demand for affordable housing but it provides housing for a segment of Maui's community that could not otherwise afford it and there is definitely a demand for more particularly with the high cost of living on Maui and the rising rental rates that are...seem to be skyrocketing lately. So Hale Makana is a very valuable asset for Maui County and it's one that we intend to manage professionally and to its best benefit. The last time we met we went over a number of positive changes that we had made to the financial operations of Hale Makana and that still holds true. Since then the rental rates which had been increased to the maximum allowable in September have now been incorporated into 100 percent of the units. Turnover

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times have been reduced and we continue to have a waiting list to pre-qualify future tenants from. Our payroll expenses have been stabilized. We've taken additional steps to reduce utility costs and maintenance of the park has now been taken over by the County. When we last met, we were considering what to do about security. Since then several solutions have been implemented including a neighborhood watch program which has received excellent resident support. We've also contracted with a professional security company, NGS, for onsite courtesy patrol. We're currently upgrading the parking lot and exterior building lighting to LED lighting and have also implemented parking passes and sign-in passes for visitors, and we've been in communication with the Parks Department to address certain loitering concerns in the park. We've reduced the night time hours from 10:00 p.m. closing to 7:00 p.m., and we've also asked that the park be turned into an alcohol-free park which is the request now pending with the Parks Department. We also conducted a reserve...professional reserve study to analyze and project our future capital expenditure needs, and the bottom line is that our budget for 2015 still looks like it will generate enough cash flow to provide for some cap-ex improvements like appliance, floor, and cabinet replacements as units turnover, as well as additions to reserves and debt service. At our last meeting, we told you that our next step would be to meet with the Department of Housing and Corp. Counsel to review the 2015 budget and agree on a debt payment plan going forward. And we did meet with Jo-Ann and Gary last month to review the 2015 budget and the reserve study and our loan repayment proposal, and Thanaid and Erin also met with Chair Crivello before formally submitting this proposal which is what is stated in Erin Fleming's letter. So based on that 2015 budget and the reserve funds required, Hale Makana has the ability to pay \$100,000 a year and we're requesting that it be reviewed on an annual basis based on the demands of the property. In conclusion, we're respected...we're respectfully requesting the Committee's support for our proposal as stated in Erin's letter. So thank you very much for this opportunity to report and aloha.

CHAIR CRIVELLO: Thank you, Mr. Miller. Committee Members, any questions or clarification or comments? Member Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. I'd also like to commend the CEO, Erin Fleming, for doing an outstanding job. I know she's one of those persons that's gonna make things happen. I had worked for her in the past and I'm very glad that things look more appropriate and more stabilized. I have a question in terms of the annual review of the potential 100,000 default amount. Is that going to be, when it's reviewed annually, will that be subject to Council approval whether we will lower it or increase it? Is there a possibility of increasing it or lowering it or are we just talking about lowering...lowering it at an annual review?

CHAIR CRIVELLO: Mr. Murai.

MR. MURAI: You know, I think it's too soon to say. Those are all the terms that the grantee and the Department would need to firm up. But certainly those are all considerations and although the letter does, you know, only speak of adjustment downward --

COUNCILMEMBER GUZMAN: Right.

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MR. MURAI: --you raise an excellent point. If things are good, maybe it can be adjusted upward, and I don't think that there's any problem with that assuming that the finances can account for it. As I understand it, you know, the biggest vagary or contingency is their facilities maintenance and I know that as part of their study. I think the consultant they hired, you know, looked at their facilities and kind of gave them an idea of what the replacement schedules would be. So I think that's an excellent consideration that we shouldn't only, you know, when we're trying to hammer out the details to look at the possibility of increasing if their finances allow it.

COUNCILMEMBER GUZMAN: Very good. Thank you, Chair. Can I have one more question?

CHAIR CRIVELLO: Sure.

COUNCILMEMBER GUZMAN: I know when we last reviewed the situation I remember seeing quite a bit of money going to salaries, especially to security, and when you say stabilize salaries, what do you mean by that?

MR. MILLER: Well. . .

COUNCILMEMBER GUZMAN: Did you decrease in terms of employees?

MR. MILLER: The number of employees has been reduced by about half --

COUNCILMEMBER GUZMAN: Okay.

MR. MILLER: --and so...but there's also been...because we've hired private security, not wanting to be in the security business, that number has gone up so it's offset a lot of the savings that we got from reducing our workforce. A lot of these people who were handling security are now handling operations and so, you know, it's kind of a blend of all of those things. But basically, we've been cutting, cutting, cutting, and we've gotten to the point now to where we can see the facility operates sufficiently and adequately and there is enough manpower to maintain the landscaping. We have enough money in the budget to pay for professional security which is only from 6:00 p.m. to 6:00 a.m. It's not 24-hour because it's just too expensive.

COUNCILMEMBER GUZMAN: Right.

MR. MILLER: So it appears that it has operationally reached a stabilized level. That's what I meant.

COUNCILMEMBER GUZMAN: Okay. Thank you, Chair.

CHAIR CRIVELLO: Thank you. Members, anymore comments or questions? Okay, Mr. Couch.

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COUNCILMEMBER COUCH: Thank you, Madam Chair, and thank you, Mr. Miller, for being here. I'm sorry, I can't see you around this (*Christmas decoration blocking Councilmember Couch's view of Mr. Miller*).

MR. MILLER: Merry Christmas.

COUNCILMEMBER COUCH: Merry Christmas. You know, you have that default amount of \$100,000 annual remittance. Does that mean it is the minimum or is that what you're going to kind of shoot for and if you can make it, you can make it? If you can go over, you can go over.

MR. MILLER: I think our commitment in these...Mike said that's a minimum.

COUNCILMEMBER COUCH: Okay. If...in a perfect world, if you had that \$100,000 a year, what kind of expansion of services could you do?

MR. MILLER: Well, in the case of Hale Makana, it's not...I mean most of the services that are developed over there are pro bono from other community organizations and services so it really...it's not a services oriented. It's a for profit tax credit financed housing project. So all of the services...community services and things that we do for homeless people in training them to be able to take on permanent housing are done by Ka Hale A Ke Ola which is a separate organization.

COUNCILMEMBER COUCH: Okay. Thank you, Chair.

CHAIR CRIVELLO: Thank you. Chair Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair. I hate to bring this up but I think as we look at this we should look at, you know, a pretty good picture, and I know you'll be back with specifics. But more or less estimate, what was the original debt?

MR. MURAI: Well, the original debt was about \$4 million.

MR. MILLER: It was \$4,255,000.

MR. MURAI: \$4,255,000.

COUNCILMEMBER BAISA: And then there was another one.

MR. MURAI: There was a separate --

COUNCILMEMBER BAISA: Yeah.

MR. MURAI: --separate loan for the West Maui Resource Center \$4,005,000.

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COUNCILMEMBER BAISA: So it's about \$8 million that's on your books.

MR. MURAI: Right.

COUNCILMEMBER BAISA: I understand, you know, more or less or separate or whatever, but you still, as a corporation, looking at about an \$8 million liability?

MR. MURAI: That's correct.

COUNCILMEMBER BAISA: Well, my concern is I really am impressed. I want to tell you this is such a nice turnaround and it's so professional and wonderful that you're here saying, okay, let's start because I wish your predecessors had tried before you and we'd find ourselves in a much better spot, but you know, we are where we are, and so we move forward. But I'm thinking that with \$8 million at \$100,000 a year that's a huge debt for this corporation to be carrying and I know it's been a problem for the corporation in trying to get credit or to have people look at their financials. Because, you know, when people look at your financials and they see this kind of a liability, they get nervous. However, I do think that the turnaround that's happening is wonderful and it's great in their favor as far as your credit is concerned because you're making the effort and the fact that you can get in the black and have a reserve and pay your debt...a little on your debt is wonderful, but I'm kind of concerned about just this debt being carried forward year after year after year. How old is this debt? I know it's a long time.

MR. MURAI: Um, 1997, I believe...I'm sorry, 1998 for the first loan, 2003 for the second loan.

COUNCILMEMBER BAISA: Well, you know, I know there's been talk and I don't know if it will ever go anywhere of trying to write off some of this liability and I just hate to have that consideration taken off the table because it would be so great if, you know, we didn't put this organization in such a financial situation because you're doing a great job and you're wanting to do a great job and you're showing all this improvement and responsibility. If I were the director of this organization, I'd be real worried about carrying this around and that's where I'm coming from. Also, being very aware of my responsibility as a keeper of the treasury here, you know, we're responsible for the funds and how they're allocated. That, you know, we want to collect debts that belong to the County, but I think most of us will be long gone by the time we collect this money unless something really wonderful happens. And you know, when you're dealing with the clientele that you're dealing with, we certainly want to offer all the help that we can because, you know, you're not going to be able to raise the rent substantially and still meet the goals of what this is all about. So that's the angst that I look at. You know, I want to say, okay, this is great, but I'm also worried that, you know, that debt is still there and it's going to be there for a long time and it will be a problem. Thank you, Chair.

CHAIR CRIVELLO: Thank you. Vice-Chair Cochran.

VICE-CHAIR COCHRAN: Thank you, Chair, and thank you, Mr. Miller. It is very refreshing and encouraging to hear your comments here today. I knew the...this, you know, your entity

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provides such a needed and valuable service to this community, and knew that it had it in it to do what you just claimed you're able to move forward with. So I just appreciate it a lot wholeheartedly. Just curious though looking through our handout and it shows the reserve items and it breaks it down item by item and cost when new, estimated remaining life, expected life when new, and so forth. I'm just curious under building interiors for your refrigerators, tubs, and flooring, it's a dollar. I'm like, how you get those deals?

MR. MILLER: Well, that was a placeholder number that the consultant put in there and we've met with them since and what we're doing is getting the data spreadsheet to be able to work on with them concurrently so it becomes kind of a living document. Our position has been that on the refrigerators and flooring, those interior type of units that we would just replace them as units turnover rather than vacating a unit in order to do it. So it's something that will occur on a gradual basis over time and that's...we're right now we're budgeting to be able to pay for that out of our operating cash flow but it is a reserve item. So there's a number of things in there that have yet to be updated so that's...that's the reason.

VICE-CHAIR COCHRAN: Okay. Well, thank you very much.

MR. MILLER: It's not a real number.

VICE-CHAIR COCHRAN: Yeah, I go great, I wanna shop where you shop. Thank you, Mr. Miller. Thank you, Chair.

CHAIR CRIVELLO: Thank you. Members, anymore comments or questions? I, too, Mr. Miller, as well as your management team, want to thank you for efforts. I mean it's easy to come before us and say, no can, but you worked on it and I see the cooperation that has improved with even your tenants, as well as all those involved that give their endless time to make it work. Because our main thing is that we do not lose sight of the purpose of your entity and your facilities. I also would like to thank your full board for their full on participation and trying...I know when I first saw the contracts and I could not make heads or tails as to what was owed and how we were gonna pay everything. So, Members, if there is no further discussion, I would like to recommend that the Miscellaneous Communication and County Communication 13-204 be referred to the Council Chair for the term beginning January 2, 2015, pursuant to Rule 23 of the Rules of the Council or be filed and other related action. Instead of doing the complete filing of this communication because of our discussion, as well as reviewing annually as far as the payments and the consideration that Chair Baisa also brought up in discussion, I would like to ask a motion to allow me to refer this.

VICE-CHAIR COCHRAN: Chair, so moved.

CHAIR CRIVELLO: Thank you. Do I hear a second?

COUNCILMEMBER GUZMAN: Second.

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CHAIR CRIVELLO: Thank you. There is a motion by Vice-Chair Cochran, seconded by Chairman...Member Don Guzman. Any further discussion? If not, I'd like to call for the vote. All in favor say aye.

COUNCIL MEMBERS: Aye.

CHAIR CRIVELLO: Opposed, no? We have...the motion carries with seven ayes. Thank you, Members. Thank you very much and a Merry Christmas. Thank you, Mr. Miller. Thank you, Erin. Thank you.

VOTE: AYES: Chair Crivello, Vice-Chair Cochran, and Councilmembers Baisa, Carroll, Couch, Guzman, and Victorino.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: REFERRAL OF MISCELLANEOUS COMMUNICATION AND COUNTY COMMUNICATION 13-204 TO THE COUNCIL CHAIR FOR THE TERM BEGINNING JANUARY 2, 2015.

CHAIR CRIVELLO: Members, next on the agenda...I want to call for a short recess. . . .(gavel). . .

RECESS: 2:04 p.m.

RECONVENE: 2:08 p.m.

CHAIR CRIVELLO: . . .(gavel). . . The Housing, Human Services, and Transportation Committee will now reconvene our meeting.

COMMUNICATIONS FOR REFERRAL TO THE COUNCIL CHAIR FOR THE TERM BEGINNING JANUARY 2, 2015, PURSUANT TO RULE 23 OF THE RULES OF THE COUNCIL

CHAIR CRIVELLO: Next on the agenda, Members, we have communications for referral to the Council Chair for the term beginning January 2, 2015, pursuant to Rule 23 of the Rules of the Council. Members, I am recommending sending the following items to the new Council for the

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**ACTION: REFERRAL OF COMMUNICATIONS TO THE
COUNCIL CHAIR FOR THE TERM BEGINNING
JANUARY 2, 2015, PURSUANT TO RULE 23 OF THE
RULES OF THE COUNCIL.**

CHAIR CRIVELLO: Members, I have to give my speech. Nah. . . .*(laughter)*. . . Members, I want to thank you for your participation. I'd like to also extend a special thank you to the public. We've...this Committee has had several meetings on the same items and we've had many discussions, especially when it comes to our housing and affordable homes and the different needs that we have on the housing and human concerns and transportation. I'd like to wish you and your family all the best and a most blessed Christmas. Mahalo and the meeting is now adjourned. . . .*(gavel)*. . .

ADJOURN: 2:11 p.m.

APPROVED:



STACY CRIVELLO, CHAIR
Housing, Human Services, and Transportation
Committee

hht:min:141204

Transcribed by: Clarita Balala