

# HOUSING, HUMAN SERVICES, AND TRANSPORTATION COMMITTEE

Council of the County of Maui

## MINUTES

January 21, 2016

Council Chamber, 8<sup>th</sup> Floor

**CONVENE:** 1:32 p.m.

**PRESENT:** VOTING MEMBERS:

Councilmember Stacy Crivello, Chair  
Councilmember Gladys C. Baisa, Vice-Chair  
Councilmember Robert Carroll  
Councilmember Don Couch  
Councilmember Don S. Guzman (In 1:35 p.m.; Out 2:30 p.m.)  
Councilmember Riki Hokama (In 1:37 p.m.)  
Councilmember Michael P. Victorino

NON-VOTING MEMBERS:

Councilmember Mike White (Out 2:32 p.m.)

**STAFF:** Michele Yoshimura, Legislative Analyst  
Tammy M. Frias, Committee Secretary

Ella Alcon, Council Aide, Molokai Council Office (via telephone conference bridge)  
Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)  
Dawn Lono, Council Aide, Hana Council Office (via telephone conference bridge)

**ADMIN.:** Donald A. Medeiros, Director, Department of Transportation  
Marc I. Takamori, Deputy Director, Department of Transportation  
David C. Goode, Director, Department of Public Works  
Jerrie L. Sheppard, Deputy Corporation Counsel, Department of the Corporation Counsel

**OTHERS:** Jonathan Starr  
Elizabeth (Liz) Fischer, Transportation Planner, U.S. Department of Transportation, Federal Highway Administration - Hawaii Division  
Ralph Rizzo, Assistant Division Administrator, U.S. Department of Transportation, Federal Highway Administration - Hawaii Division  
Ken Tatsuguchi, Head Planning Engineer, Planning Branch, State Department of Transportation (via telephone conference bridge)

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

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CHAIR CRIVELLO: . . .(gavel). . . Good afternoon, Members. Thank you for being here. The meeting of the Housing, Human Services, and Transportation Committee will now

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come to order. It is 1:32 p.m. on Thursday January 21, 2016. Before we begin, may I please request that we all turn off or silence our cell phones or other noise-making devices; that includes me. Thank you. At this time I'd like to introduce our Committee. I am Chair, Stacy Crivello. And we have with us our Committee Vice-Chair Gladys C. Baisa. Thank you for being here.

VICE-CHAIR BAISA: Good afternoon, Chair.

CHAIR CRIVELLO: Thank you. Member Bob Carroll.

COUNCILMEMBER CARROLL: Good afternoon, Chair.

CHAIR CRIVELLO: Aloha, Mr. Carroll. Member Don Couch.

COUNCILMEMBER COUCH: Good afternoon, Chair.

CHAIR CRIVELLO: Thank you for being here. And Mr. Mike Victorino, thank you for being here.

COUNCILMEMBER VICTORINO: Good afternoon, Chair.

CHAIR CRIVELLO: Thank you. And also with us today is our non-voting Committee Member, Mr. Mike White, Chair White.

COUNCILMEMBER WHITE: Aloha, Chair.

CHAIR CRIVELLO: Thank you for being here. At this time, I'd like to introduce our Administration representatives from, the Director of Transportation, Mr. Don Medeiros.

MR. MEDEIROS: Good afternoon.

CHAIR CRIVELLO: And his Deputy Director of Transportation, Marc Takamori.

MR. TAKAMORI: Good afternoon.

CHAIR CRIVELLO: Thank you for being here. And we're expected to have from Public Works, I guess, Deputy Director Rowena Dagdag-Andaya. And with us from the Department of Corporation Counsel, Jerrie Sheppard, Deputy Corporation Counsel.

MS. SHEPPARD: Good afternoon.

CHAIR CRIVELLO: Thank you for being here. Also we'll have with us later when we're done with testimony, we have some very experts with us today from the U.S. Department of Transportation, and we'll be bringing them down later on. Also with us and I'd like to express special thank yous to Committee Secretary Tammy Frias and our Legislative Analyst Michele Yoshimura. Members, we have a single item on the agenda today, so

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let's get started with public testimony. Assisting us this afternoon from the Hana District Office is Dawn Lono. Aloha, Dawn.

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

CHAIR CRIVELLO: And from the Molokai District Office, Ella Alcon.

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

CHAIR CRIVELLO: Aloha, Ella. And from the Lanai District Office is Denise Fernandez.

MS. FERNANDEZ: Good afternoon, Chair. This is Denise Fernandez on Lanai.

CHAIR CRIVELLO: Thank you. Thank you, ladies. For individuals who will be testifying in the Chamber, please sign up at the desk located in the 8<sup>th</sup> 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 the Council Staff at that location. Testimony will be limited to the item listed on the agenda today. 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. Before I call my first, our first testifier, thank you, Member Guzman, for being here.

COUNCILMEMBER GUZMAN: Thank you, Chair. Thank you.

CHAIR CRIVELLO: And also Director David Goode. Thank you. And excused at the moment is Councilmember Riki Hokama. So we have our first testifier with us this afternoon. Jonathan Starr?

**. . .BEGIN PUBLIC TESTIMONY. . .**

MR. STARR: Good afternoon, Chair Crivello, kind Councilmembers. I'm Jonathan Starr. I'm here on my own behalf today. And I've been following the MPO process for a number of years. Coming from having a feeling when I was Chair of the Planning Commission, that a lot of the transportation decisions were being made somewhere else and kind of were falling on us from the sky, and that possibly the selection of projects for the STIP were being made what is buildable now instead of what helps the cause. And so I started pushing, I had several meetings in the Governor's Office a number of years ago, trying to find out why we were not able to use TAP money which I believe was supposed to be 10 percent of the transportation budget but at the time seemed to be being used for the reserve. And that's transportation alternatives programs which include sidewalks, intersections to make the street, the crossing safer for pedestrians, bike lanes, you know, all kinds of projects that are kind of human friendly rather than just moving freight. And then I found out, you know, from, when Ford Fuchigami came in as the head of HDOT, that the best path to access multimodal improvements would really be through the MPO process when it reached Maui. I was able to take a

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course from the National...Rutgers University and National Highway Institute on MPO formation. And I handed out some photos of the advisory committee of the Oahu MPO. And I feel listening to the discussions here on Maui, people look at this as some kind of sad obligation that's being put on the County, but really this a great opportunity. You know I'm looking at the workbook from the course. I remember that it really is about bringing the community into the process and having the process and transportation funding decisions being made for the benefit of the community and also for good planning principles such as reducing the amount of vehicle miles that need to be driven and making the roads and the sidewalks safer and creating just a multimodal planning process. And if we are able to implement the thing right, that's what we'll have. On Oahu, there is community participation in the MPO. You know I remember there's a guy Randall [sic] Sykes who's a community representative, and he chairs the citizen's advisory group which these pictures show. And I went to a meeting, there were about 50 people in the Mayor's Conference Room in Honolulu Hale. And it was the community and the community groups that were prioritizing what was going to go on the STIP. So anyone wants to hear more about that, they can ask me questions or catch me offline, but there's a great opportunity and I hope it really leads to a much better process here on Maui. Thank you and aloha.

CHAIR CRIVELLO: Thank you, Mr. Starr. Members, is there a need for any part of the testimony to be rephrased or any comments? If not, thank you. Are there any more testifiers?

MS. FRIAS: No, Madam Chair.

CHAIR CRIVELLO: Okay. I'll check with our District Office. Ms. Lono, is there anyone wishing to provide testimony from the Hana District?

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

CHAIR CRIVELLO: Ms. Alcon, is there anyone wishing to provide testimony from the Molokai District?

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

CHAIR CRIVELLO: Ms. Fernandez, is there anyone wishing to provide testimony from the Lanai District Office?

MS. FERNANDEZ: There is no one waiting to testify at the Lanai Office.

CHAIR CRIVELLO: Thank you. Being that we have no one else in the gallery or at the District Offices who would like to testify, at this time if there's no objections, I'd like to end the testimony.

COUNCILMEMBERS: No objections.

CHAIR CRIVELLO: Thank you.

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**. . .END OF PUBLIC TESTIMONY. . .**

CHAIR CRIVELLO: Members, before I call a short recess, I want to introduce Riki Hokama, Councilmember Riki Hokama. Thank you for being here. Now I'm going to call a short recess so we can set up to have our resource people who are here, as well as our connection with our Department of Transportation from Oahu, and that's Ken Tatsuguchi from the State Department of Transportation. He will be joining us via teleconference. So at this time, take a brief recess. . . .(gavel). . .

**RECESS: 1:41 p.m.**

**RECONVENE: 1:44 p.m.**

CHAIR CRIVELLO: . . .(gavel). . . The public...I mean the Housing, Human Services, and Transportation Committee will now reconvene.

**ITEM HHT-29: MAUI METROPOLITAN PLANNING ORGANIZATION (CC 15-294)**

CHAIR CRIVELLO: Members, on the agenda, we have HHT-29, Maui Metropolitan Planning Organization. The Committee is in receipt of the following: County Communication 15-294, from the Director of Transportation, transmitting the following: a proposed bill to establish the Maui Metropolitan Planning Organization in Title 2 of the Maui County Code, to meet the requirements of Federal law for Federal funding for transportation planning; a proposed bill to authorize the Mayor to enter into an intergovernmental agreement with the State of Hawaii to establish the Maui Metropolitan Planning Organization to enable the County to receive Federal funding for transportation planning and carry out coordinated and integrated metropolitan transportation planning, in accordance with 23 United States Code sections 134 and 135, and Chapter 279D, Hawaii Revised Statutes; two, correspondence dated January 13, 2016, from the Chair, myself, of the Committee to the Department of the Corporation Counsel, transmitting the following: a revised proposed bill entitled A Bill for an Ordinance Amending Title 2, Maui County Code, to Establish the Maui Metropolitan Planning Organization. The purpose of the revised proposed bill is to amend Title 2, Maui County Code, to establish the Maui Metropolitan Planning Organization. B, a revised proposed bill entitled A Bill for an Ordinance Authorizing the Mayor of the County of Maui to Enter Into an Intergovernmental Agreement with the State of Hawaii to Fulfill Federal and State Transportation Planning Requirements Relating to the Maui Metropolitan Planning Organization. The purpose of the revised proposed bill is to authorize the Mayor to enter into an agreement, in the form attached as Exhibit "A" to the revised proposed bill, relating to the Maui Metropolitan Planning Organization. The Committee may consider whether to recommend passage of the revised proposed bills on first reading, with or without further revisions. The Committee may also consider the filing of County Communication 15-294 and other related action. So we're in receipt of revised proposed bills which were distributed at

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the start of today's meeting, and it is the Chair's preference to refer to the revised proposed bills. At this time, I'd like to do it again and introduce our resource personnel, and I appreciate and thank you for taking the time out, making a trip here to Maui to assist us. And by telephone, we also have from the State Department of Transportation, Highways Division, Planning Branch, Mr. Ken Tatsuguchi. Thank you for being with us, Mr. Tatsuguchi. And in the Chamber, we have Elizabeth Fischer from the U.S. Department of Transportation, Federal Highway Administration and Mr. Ralph Rizzo, Assistant Division Administrator with the U.S. Department of Transportation, Federal Highway Administration. We also have available here in the Chamber as resources, representatives from the Department of Transportation and Public Works. So we'll have our discussion, then we'll have, we'll open up for questions and any...with the State and Federal resources that we have here. Then we'll have questions if you have any for Public Works or Transportation as well. And then we'll try and review our revised proposed bill. So at this time, Members, I'd like to open up the floor to our Department.

MR. MEDEIROS: Thank you, Chair. Thank you for having us here today on this important matter, and we're here to answer any questions and move forward. Wanted to let you know that this morning, we're fortunate enough to have Ms. Fischer and Mr. Rizzo spend a great deal of time with us going through this agreement before you today. And we came up with a few additional minor changes to it. And at some, whatever point you want, we could discuss those as well.

CHAIR CRIVELLO: Thank you. Corporation Counsel, do you have any comments at this time?

MS. SHEPPARD: Yes. I'd just like to clarify the attachment that you have, my January 19<sup>th</sup> memo, the first three pages attached thereto is the first proposed bill. The next thing you see is labeled Exhibit "1", Maui Metropolitan Planning Organization Comprehensive Agreement. That's actually in the wrong place and it is not Exhibit "1" to that ordinance. The exhibit to that ordinance which is Exhibit "1" is directly behind that, and it is a letter dated June 6...June 18, 2013. That's the exhibit that goes with that first proposed bill. And then you have the proposed bill with the comprehensive agreement as an exhibit to it. You have one extra copy labeled Exhibit "1" appearing four pages into my memo. If you want to use that as a working copy to mark on, you could, you know, the, you could take it apart and have the full memo correct and that would be an additional copy that you don't need right that place. That confuse anybody?

CHAIR CRIVELLO: Okay, thank you.

COUNCILMEMBER WHITE: You're referring to the January 19<sup>th</sup>?

MS. SHEPPARD: Yes, my January 19<sup>th</sup>...I'm sorry, yes, my January 19<sup>th</sup> memo should have attached to it a three-page proposed ordinance which is the bill amending Title 2. And right after that should be that January 18, 2013 letter as Exhibit "A". And the stuff in between, the Oreo filling, should be not there.

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COUNCILMEMBER COUCH: June 18<sup>th</sup>.

MS. SHEPPARD: June 18, 2013. That's Exhibit "A" to that first proposed bill. Right after that letter is the second proposed bill and attached to it is the comprehensive agreement. So in essence you have an additional copy of the comprehensive agreement stuck in between the letter and the proposed, first proposed bill.

CHAIR CRIVELLO: Okay. So I'm going to open up the floor and we can flow with questions, and as the...since we have our resource people here, and just to let you know that Mr. Tatsuguchi from the State Department of Transportation can be with us only till about 2:30. And then our Federal Highway people here also have a flight to catch. So last Committee meeting, Committee, you had lots of questions about the formulation and I guess purpose and organization of the Maui Metropolitan Planning Organization. So Mr. Tatsuguchi will be actually interjecting with, respond to questions that you may have. I'm going to ask Ms. Fischer and/or Mr. Rizzo if you can give us a just brief overview of the Maui or MPO I guess or the metropolitan planning organization.

MR. RIZZO: Thank you.

CHAIR CRIVELLO: Thank you.

COUNCILMEMBER COUCH: Push it up.

MR. RIZZO: There we go. Thank you, Madam Chair and...no, still not on. It's on. I can see the battery.

COUNCILMEMBER COUCH: Is it turned up in there?

MR. RIZZO: How's that?

CHAIR CRIVELLO: Technical difficulties.

MR. RIZZO: Technical difficulties...

CHAIR CRIVELLO: Yeah.

MR. RIZZO: I know, I'm not as good as Elizabeth . . .*(inaudible)*. . . How's that?

COUNCILMEMBER COUCH: Much better.

MR. RIZZO: Okay. Madam Chair, Members of the Council, thank you for having, giving us the opportunity to answer any questions you have on Federal regulations and law. The real short answer on the overview of the metropolitan planning organization is that under Federal law and regulation, once an urban area reaches 50,000 population, it's required to have a metropolitan planning organization in order to do transportation planning in consultation, coordination with the State and the local governments that

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are in the metropolitan area. The basic requirement is that the metropolitan planning organization conducts transportation planning for that region in coordination with those groups. They do so under a work program that they submit annually. They're provided Federal funding called metropolitan planning funding to do that work. And what they need to produce is a long-range transportation plan that is updated every five years and then the transportation improvement program which can go out as long as five years in this case. And that's basically the list of projects that you plan to use Federal funds on and also anything that's regionally significant even if you don't plan to use Federal funding. But basically if a project isn't on that list, the TIP list or the TIP, then we can't authorize Federal funding for that project in your area. I think that's the basic summary of what, the important parts of what an MPO does. I'm sure we'll get into more detail as we go along.

CHAIR CRIVELLO: Thank you. Ms. Fischer, do you wish to add anything? Thank you. Okay. Members, we'll open up the floor for questions and further discussion. Mr. Guzman and then Ms. Baisa, and then Mr. Couch.

COUNCILMEMBER GUZMAN: Okay. Thank you, Chair. I just had a few questions on when you're talking about the TIP, is that, that's similar processes to the STIP, the State? And then how does that work? You guys have priority, how do you do the priority listing on that? And then you...run me through it really quick.

MS. FISCHER: Okay. The long...Madam Chairman, thank you for the opportunity.

CHAIR CRIVELLO: Thank you.

MS. FISCHER: Councilmembers. The long and the short of it is that the transportation improvement program is a project budget for the metropolitan planning area which in this case has been designated by the Governor of Hawaii along with Maui County Mayor and HDOT Director in the letter that was referenced earlier as being the island of Maui. That means...what HDOT used to do in coordination with Maui District, of Division of Highways of Hawaii DOT and with DPW and DOT here on Maui County, the MPO will now do. It basically is shifting that the metropolitan planning organization rather than have...will be a more locally-focused activity. Means it's local people at the table making the priority choices. The Federal government does not make priority choices, it is you through the policy board of the Maui Metropolitan Planning Organization who will make the decision, and through technical advice, et cetera. . . *(inaudible)* . . .

COUNCILMEMBER GUZMAN: No, I get that part of it. But how do you then decide which projects get priority? Do you then...

MS. FISCHER: The policy board does that. The policy board is the decision-making body of the metropolitan planning organization, and that's outlined in the comprehensive agreement which you have in front of you.



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COUNCILMEMBER GUZMAN: Right. But then, and then once you've created the priorities, how do you then determine which island gets the next one...

MR. RIZZO: No, we don't set any of the project priorities in the STIP.

COUNCILMEMBER GUZMAN: So you transfer it over to like the STIP?

MR. RIZZO: Well, the, your TIP is a prioritized list of projects in your planning area. That is the prioritized list. That goes into the STIP in whole without changes. So you're basically taking the Maui island portion of the STIP and you're now doing that as the, well, the MPO is now doing that portion of the STIP. So projects on Maui island will be on your TIP that goes into the STIP in whole without any changes.

COUNCILMEMBER GUZMAN: Okay. And then once it gets into the STIP, it then gets further prioritized on which is shovel ready and not, right? No? Explain.

MS. FISCHER: By Federal statute and regulation, metropolitan planning organization, TIPs, that's the Maui and Oahu here in State of Hawaii. Those prioritized selected lists by these two respective policy boards, they come as a bucket of projects that have been prioritized, that have been identified for what funds are available. Those buckets, one for Maui, one for Oahu, those buckets go into the Statewide STIP, the Statewide Transportation Improvement Program. No one can change those lists except coming back through the metropolitan planning organization. It's the local choice, it's not State choice, and it is definitely not Federal choice, it is your choice at the local level, saying this is what we want. This is what we have prioritized through the metropolitan planning process. Which is why the policy board is the decision-making body that says this is what we who represent the people of this island under this body say these are the transportation projects that move forward, and they go forward into the State, overall State, the State STIP.

COUNCILMEMBER GUZMAN: STIP. State Transportation...

CHAIR CRIVELLO: Thank you. Thank you.

MS. FISCHER: Now again it's a project budget.

CHAIR CRIVELLO: Ms. Baisa?

VICE-CHAIR BAISA: Yes, thank you very much, Chair. And thank you very much, Elizabeth, for being here this afternoon. And for your clarification, I think it's important that we realize that this, although that the urbanized areas of Kahului, Wailuku, and Paia are mentioned, that this affects the entire island of Maui. I think that's an important point because I don't sure, I'm not sure that we all picked that up at the last meeting. And so this affects the entire island of Maui, the MPO. Chair, I had a lot of questions in the last meeting about the governance and how this would all work, but I've had the opportunity to do my research and to talk to the Director of Transportation and I'm okay. I'm very interested and I want to spend some time

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maybe on the amendments that have been made to the thing since we had it, and that's where I'm at. And I don't know if we're there yet.

CHAIR CRIVELLO: Thank you. Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Madam Chair. Along the lines of the amendments, are we going to get copies of them? I don't see them in my folder. If not, we'll deal with that. But the question I have, it's kind of following up on Mr. Guzman's, so the Oahu Metropolitan, MPO and the Maui MPO and then the City or the County of Kauai and the County of Hawaii all put their stuff into the STIP. At that point, there's, you know, we only get a hundred and what, eighty million dollars a year from the Feds, from you guys. At that point, there's probably billions of dollars' worth of requirements. Oh, they have to be fiscally constrained. So then does the Maui MPO say you get to spend this much money? So we are given a certain amount of money. Is that amount of money the same every year or is it based on what projects are ready?

MR. RIZZO: The...so part of one of the subsequent agreements that the MPO will be working with the State on is revenue forecasting. So in other words that amount of money. So what amount of money is the MPO going to have to program, and that's something that's worked out. Depends on how you set it up, but it's going to be at least every five years that the State and the MPO will agree on the revenue that's going to be programmed within this metropolitan area. And that's based on, it can be based on there's certain funds that, you know, come directly to you and there's other funds that, you know, are coming in through the State system, and that will be worked out by the State and the MPO.

COUNCILMEMBER COUCH: Oh there will be direct funds now, no longer going through the State?

MR. RIZZO: Yeah. There's a certain pot of money that's sub-allocated, it's called the Surface Transportation Program...Block Grant Program now, they just changed the name on me. I had all my acronyms down.

COUNCILMEMBER COUCH: Oh yeah, of course.

MR. RIZZO: Congress. But so yes, there will be a certain portion of that that is sub-allocated directly to the County MPO.

COUNCILMEMBER COUCH: I understand that whole part, but I know the way the STIP was working before is that if a project in Maui County couldn't get off, you know, we were scheduled to get the money and were gonna do it and for whatever we couldn't do it, that money goes back to your group and it goes to a different island sometimes. Potentially that's what happens or it tries to go to a different project on Maui's portion of the STIP. But I do know of a project that had actually went to Kauai after we said we didn't want to do the project. With this type of organization going on now, can that still happen?

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MR. RIZZO: It depends on the funding I would say, but generally yes. I mean it, all this money comes to the State basically, it starts with the State, so any kind of reprogramming that might be done would be in connection with the State. If it's a State project, it might go to another island. If it's one of your projects, then ideally you're going to have some projects that you can move up from later years that you can bring in.

COUNCILMEMBER COUCH: More like, more the question I would have is say Kauai says we don't want to do this project, just like we did and our money went to Kauai. They say we don't want it, now it's available again, can that come down to the MPO or is that just through the State?

MR. RIZZO: Ken, maybe Ken can respond to that better than --

CHAIR CRIVELLO: Okay.

MR. RIZZO: --I can.

MR. TATSUGUCHI: Good afternoon. This is Ken Tatsuguchi. It's a little hard to hear, could that question be repeated please?

COUNCILMEMBER COUCH: Sure. Can you hear me now?

MR. TATSUGUCHI: Yes, thank you.

COUNCILMEMBER COUCH: Okay. My question is can money be redirected say outside of the MPO back into the MPO like it used to be? You know we had a project that Maui didn't want to do so the money went to Kauai a couple years back, maybe 10-15 years back. Same type of thing, if Kauai or the Big Island or even Oahu has a project that they say they can't do or don't want to do or something happens, now we have some of that funding. Is that available for everybody or how does that work?

MR. TATSUGUCHI: Okay. I'm going to step back a little bit and kind of explain. Right now there currently isn't a Maui TIP process, okay, and I would think the issue that you're speaking of right now will be one of the items of discussion. Okay. What needs to occur where I think the, this could be addressed, but it's a really good question and I can explain what we do currently which could maybe evolve into what could occur with the Maui MPO TIP process. I guess the Federal reg says, you know, basically the TIP and the STIP process has to be consistent. Okay. So there's going to be coordination at the policy level of how the TIP and the STIP process or what you're talking about is amendments or revisions. There's going to have to be some level of consistency. Now so that has to be worked out, and definitely this question will come up. Currently the way we do it now, you know, we start off at...when we look at a project that maybe can't move forward and there's funds with Maui, the first thing we do, like, you know, I'm speaking on our STIP process is first thing we do is try to replace it, you know, working with Public Works or other, our district engineer on

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projects on Maui is there...say there's a resurfacing project that can go, we're going to look for another resurfacing project in the area, you know. There has to be consistency with our goals and objectives for that region. We try to pick the same type of project. If not, we're going to try and look for another project, but the first thing we do is try to keep the money on that, in that region, you know, keep it on Maui. Okay. If that can't happen then, you know, from a Statewide perspective, you know, we're not going to give money back to the Feds, so of course we're going to try and use it on another island. But I want to go back, the first thing we do is try to keep it there. Yeah. Does that make sense?

COUNCILMEMBER COUCH: Yes.

MR. TATSUGUCHI: Okay.

COUNCILMEMBER COUCH: That helps.

MR. TATSUGUCHI: And this is what we do now in our process, you know, 'cause right now, well prior to the establishment of the Maui MPO, that's how we run the STIP for Maui. There are cases where there's a regional need, say you mentioned...I'm not clear what exactly you're speaking of but, you know, I believe in 2014, we had to redirect money to Kauai because they had some natural disasters that we had to take care of. So, you know, from a Statewide perspective looking at the system holistically, we will work with the various islands to figure out what their needs are because, you know, there's emergency. I mean there's an emergency somewhere in the State. You know we've had to redirect to the Big Island before. You know I'm sure it probably happened on Maui, but there's always, you know, due to us being an island State, you know, there's always this, there always seems to be a need to take care of disasters and, you know, sometimes, you know, monies will be redirected. But, you know, when it comes to project delivery issues such a project is not going to make its timeline, you know, in terms of looking, you know, we'll look for a replacement project and try and keep that monies there. And that's the first way. And I think the process needs to be developed and implemented for the Maui TIP process, and exactly what you're speaking of is one of the items that need to be considered. I would keep it in mind.

COUNCILMEMBER COUCH: Thank you. Thank you, Madam Chair. That leads right to the question that I think Mr. Guzman asked as well. Who makes that decision on the redirect?

COUNCILMEMBER GUZMAN: Right.

COUNCILMEMBER COUCH: Is that the MPO or are we going to be told by the State we gotta take some of your money?

CHAIR CRIVELLO: Did you hear that question, Mr. Tatsuguchi?

MR. TATSUGUCHI: No, I kind of...I didn't get all of it, I'm sorry.

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CHAIR CRIVELLO: So the question basically is who actually makes the final decision when dollars need to be redirected. Is it the...

MR. TATSUGUCHI: I'm sorry ...*(inaudible)*... I'm sorry?

CHAIR CRIVELLO: If it's going to be redirected, who makes that decision? Is it the State Department of Transportation or is it the Federal people or is it the MPO, the policy board?

MR. TATSUGUCHI: Funds being redirected from...okay, so if it's a local issue, it would be, to me in my, you know, I think the Feds would have to step in on this one, but, you know, Liz or Ralph. But, you know, what I think is if it's a local issue, it would be the MPO. If it's a Statewide concern like the example I mentioned maybe Kauai may need money because of some natural disaster event, the State DOT since we're responsible would approach the Maui MPO and start discussions on what we can do, and we'll initiate that. But if it's a local issue, say a project can't get through the...say a project timeline, a Maui project, say it's the timeline slips and, you know, the expectation of the replacement project and, or whatever would be the MPO's responsibility. Yeah.

CHAIR CRIVELLO: Did you get that, Committee Members? Thank you. Thank you.

COUNCILMEMBER GUZMAN: Chair?

CHAIR CRIVELLO: Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you. I just want to follow up with Mr. Couch's line of...

CHAIR CRIVELLO: Can you get quite...

COUNCILMEMBER GUZMAN: I'm sorry.

CHAIR CRIVELLO: Yeah.

COUNCILMEMBER GUZMAN: I'm having problems with this all day. I'm just going to follow up with Mr. Couch's line of questioning. And they mentioned...can they clarify the difference between the State, what is State and what is local? Because to me that would be, you know, if there's a disaster on Kauai, that's also a local. So how do they determine between what is a local project and I guess a State project? I just wanted that clarification.

CHAIR CRIVELLO: So did you hear that question or do you need more clarification on Mr. Guzman's question?

MR. TATSUGUCHI: I'm going to try and repeat the question because I think I missed a few words. I think the question was what is a Statewide issue and what is a local issue, and who determines that?

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CHAIR CRIVELLO: Yes.

COUNCILMEMBER GUZMAN: Correct.

CHAIR CRIVELLO: That's the question, yes.

COUNCILMEMBER GUZMAN: Yes.

MR. TATSUGUCHI: Okay. I would...okay, for a Statewide issue, I mean I'll just give an example. You know when...how do I say this? In terms of looking at the entire State and...okay, let's back up. Okay. So what the State currently does based on a general formula, we distribute to each region a certain amount of Federal funds. Okay. So like I believe Maui gets about 14 to 16 percent of the Federal funds, Big Island is 16 to 18 percent, Oahu is 54 to 55, Kauai is 11 to 7 percent. It varies a little bit here and there, but that's the general formula. And in terms of what, of...you know and then each island...cause I guess even for the, say the current Maui process, it's not exclusively the State DOT making the decision. Okay. We convene our non-metropolitan process, okay, which includes Maui DOT, Public Works, Planning Department, and HSAC. Okay. And basically with that, with those funds, they kind of figure out, you know, how the money is going to be expended and in what programs and how it's going to be done . . . *(inaudible)* . . . and distributed. Okay. So that's done locally. Okay. Even . . . *(inaudible)* . . . currently in the non-metropolitan process for Maui. Now and currently they're responsible for, you know, ensuring that the projects are delivered and, you know, the burden is on . . . *(inaudible)* . . . Now from a Statewide perspective, okay, looking at this distribution, okay, if there's like a natural disaster on say Kauai, okay, and, you know, it's going to mess up their economy, the...there's a health and safety issue 'cause there's no access. Okay. This is kind of considered and elevated to a Statewide issue. Okay. So when these things happen, okay, and it's also a policy call, but, you know, this is when we start looking at do funds need to be redistributed. Okay. It's basically when the existing allocation is not enough due to a current or some kind of disaster or something. It can also be funds can be redirected if there's an economic need. You know at times certain islands like Maui had a lot of growth, I think Maui for a while received a little bit, a larger amount of like our monetization or capacity funds to start building out. You know and because there was an overall State look at, you know, where the major goals is and, you know, where the need is. And a lot of these discussions when it comes to like Statewide issues, a lot of the directors and the policymakers like Legislators or elected officials will get involved and the discussions happen. And a lot of times, this occurs usually above my head, you know, the bosses and things like that. I'm not sure if I explained it really well or not, but, you know, that's kind of my experience in how we look at Statewide.

CHAIR CRIVELLO: Thank you, Mr. Tatsuguchi. At this time, Ms. Fischer would like to...

MR. RIZZO: I was just going to...

CHAIR CRIVELLO: Or Mr. Rizzo. I'm sorry.

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MR. RIZZO: I was just going to...thank you, Madam Chair.

CHAIR CRIVELLO: Okay. Would like to add to your...

MR. RIZZO: Yeah. I was just going to and reiterate that, you know, the State is one of the members of the policy board of the MPO so they'll be there at the table the whole time. Should extra funds become available and projects are added on Maui, then that would need to be amended into the TIP, or if for some reason projects have to be deleted, that's another amendment. Generally I think the simple answer is, you know, the State system with Federal funds, the State's going to, you know, have a large say in what happens there. County projects with the money that's attributable to the area, I think by and large that's going to be a local, more of a local MPO decision.

CHAIR CRIVELLO: Thank you. Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Madam Chair. And that also throws in a little bit of a monkey wrench. So this metropolitan planning area is Maui island only, we still have Molokai and Lanai. Who handles that? Is that...goes back to the State's non-metropolitan area group? So that's even kind of stranger because this is Maui County and it should be handled...I don't know.

MS. FISCHER: It should be, it could be but it's not, because the Governor designated the island of Maui as the metropolitan planning area. Part of it was to address future land and recognition of where growth is happening and where transportation needs will be in the next five to ten-plus years. That said, it...the State's transportation planning process as Ken mentioned just a few moments ago, that stays in place, but it means that now for this island, there's more focused local decision making on what is needed by this island as a part of the County. The metropolitan planning organization is separate and distinct body from the County, it is not a County agency. It is not a State agency, it's not a Federal agency, it is an independent agency, so.

CHAIR CRIVELLO: Thank you. Mr. Hokama?

COUNCILMEMBER HOKAMA: Thank you. I'm still skeptical of this proposal, Chair. 'Cause one, I find it interesting that the basis of the designation is a specific area and yet we drew an extra-large circle. Which then makes me wonder why isn't Hawaii County then an MPO? They got more people than us, why don't they draw a circle around that island? Kauai has more than 56,000 people, why don't they draw a circle around that island and make everybody one MPO? I don't think that was the purpose. I don't think every area that has 50,000 people should be one MPO. I think jurisdiction should have the consideration of opting out, and I can tell you this is something Secretary Foxx and I will be talking about in the next three weeks, about how it impacts counties that may not have the advantages of larger urban areas. So for me I'm kind of puzzled about this whole island circle, and it's interesting this was all done by administrative people. Never came to the policy bodies and ask us what we thought about, especially when it includes funding. And my understanding is that this MPO is going to get 80 percent from the Federal government. And their budget

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goes to the Federal entities for review and approval, but never comes to the locals to say if we are willing to agree to whatever we have to fund. And I don't feel obligated as an appropriator under our Charter to fund if I don't agree. So saying that, I would like our departments to tell us, everything is about MPO will be provided administrative support from our departments. So how much more is this going to cost us, Mr. Medeiros?

MR. MEDEIROS: The HRS requires that we hire an executive director and we figure one staff would be adequate to help at least at this point. It's an assumption on our part. And so with...and that's to be determined, we're not certain of what the salaries would be at this point. But we're estimating to get approximately about 400,000 from, for a matching, for Federal funds for the MPO to function.

COUNCILMEMBER HOKAMA: What is Maui County's request going to be? What is this Council's request going to be?

MR. MEDEIROS: Would be 20 percent.

COUNCILMEMBER HOKAMA: So what --

COUNCILMEMBER COUCH: Eighty thousand.

COUNCILMEMBER HOKAMA: --80,000?

MR. MEDEIROS: Yes.

COUNCILMEMBER HOKAMA: What if we refuse?

MR. MEDEIROS: Well, then we wouldn't be able to form the MPO, follow HRS which requires us to hire executive director and some staff. And so...

COUNCILMEMBER HOKAMA: Can you use other funds besides County funds? Can you go out and get grants or State funding?

MR. MEDEIROS: What we were planning on doing was to move it forward that if we were...to put the staff under...in County facilities, using County phones, et cetera, and using that as a match. So it would be...

COUNCILMEMBER HOKAMA: That would be the in-kind --

MR. MEDEIROS: Some of it.

COUNCILMEMBER HOKAMA: --equivalent contribution?

MR. MEDEIROS: Exactly. What that would be at this point, Member Hokama, I really couldn't tell you.



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COUNCILMEMBER HOKAMA: Well, you know, if eventually you're going to ask us to approve this, then I think we need all the information, not some of the information. Particularly if we are required to...and I want to bring this up, it's kind of interesting what this County has to do for this MPO. It says the MPO will have a TAC or a technical advisory group. Support services will be provided by the MPO, and I'm assuming 20 percent is going to be coming to ask us for those costs. Another part you have is on the PPP, the participation plan. You folks are assuming or telling, not me, you're going to use the Council and the Council's committee to do their work, and we shall serve as their, that policy's forum conductors. You look at another part regarding support services for advisory committees that the MPO may create. Again, provided with additional staff support, so I'm assuming another 20 percent they're going get hit with. Then you have supplemental agreements for administrative assistance. This is a good one. And so it says the MPO can enter into supplemental agreements with the County departments and this and that. I'm assuming that takes Council approval, those agreements. So is that your folks understanding? Answers? Responses?

MR. MEDEIROS: Well again, Councilmember, as we mentioned the other day this is mandated by Federal law and we're trying to follow Federal law, so what's in the agreement that you see before you is the basis that we have to follow. We do have a few things we want to change from "shall" to "may", not very substantive changes. But essentially you're right, these things have to occur. But our focus at this point is to get the creation of the MPO so that we can follow Federal law, we can be in compliance with Federal law. If we do not, then the ramifications are we could lose Federal money, a lot of Federal money.

COUNCILMEMBER HOKAMA: You know since this was done between the Mayor and the Governor, if both...what if they choose to turn the clock back and not create the MPO?

MR. MEDEIROS: Well, then I guess we would put...I guess that's probably a better question for the Feds, let them give you the bad news.

CHAIR CRIVELLO: Before you answer, Mr. Tatsuguchi will have to exit from this participation. So I'd like to ask him if he has any further comments that he'd like to add to any of this discussion.

MR. TATSUGUCHI: You know the...yeah, I mean there's a lot of questions on implementation and how it's going to work, and, you know, just, this is just my two cents. And, you know, but I think it's work in progress. And, you know, what I'm thinking is, you know, the bill, the comprehensive agreement is really the mechanism to begin to establish the Maui MPO. You know the way I see it is you have the Federal regs says, now it says a Maui MPO needs to be established. You know we have statutes to help implement these Federal regs, and again, at the local level, there is an ordinance to help implement it. And, you know, it's...I'm going to honestly say, you know, just based on my experience in being involved as a participating agency with the Oahu MPO, it's not perfect. Our statute isn't perfect, their ordinance wasn't perfect, and but, you know, to me it's work in progress. But, you know, just gonna

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have to think where everyone is on Maui on this. It's getting the authority to establish. And I think a lot of the questions as we go through, you know, what is the MPO, you know, how is it going to be administrated, who's going to be involved, what is the exact process? I mean, you know, like Liz and I, we can give you examples, but, you know, it's not going to be the Maui MPO, it has to go through its own growth effort. And, you know, I just wanted to share that with everyone. You know right now we're just...I'm kinda thinking you just wanna get the laws and regulations in place to establish it and not...and also have the flexibility to, in the ordinance and your comprehensive agreement so you can put together a Maui MPO that fits for Maui. You know and, you know, I just my two cents on this is, you know, it gotta happen, the Federal law says we gotta do it, you know, it has to be done. And...

COUNCILMEMBER HOKAMA: So are you telling us you're going to draw a circle around Big Island County and make Hawaii an MPO?

MR. TATSUGUCHI: And, you know, don't think it's going to be perfect the first time around. You just gotta get it going. And, you know, I forget, Liz, when did the MPO requirement step in for Maui? Was it 2012?

MS. FISCHER: Twenty twelve.

MR. TATSUGUCHI: Yeah. So, you know, basically three years, four years has transpired so, you know, there is a push, and I think that's why, you know, Ralph and Liz came down to, you know, assist in getting it established. You know I think, I give them credit for going down and meeting with the Council 'cause I think that's important. But, you know, my two cents is, you know, just don't get too hung up in, you know, all of it, just, you know, get it start...you gotta go, get it rolling. And we can always go back and fix, I kinda think go back and fix the regulations. And Oahu MPO has done it and I can't see why that can't be done for Maui. Well, that's all I got.

CHAIR CRIVELLO: Okay. Well, thank you.

MR. TATSUGUCHI: Thank you for letting me participate.

CHAIR CRIVELLO: Oh no, thank you. I appreciate...

MR. TATSUGUCHI: . . .*(inaudible)*. . . another meeting.

CHAIR CRIVELLO: Okay.

MR. TATSUGUCHI: Thank you.

CHAIR CRIVELLO: Thank you. I appreciate your participation and I know that we can continue to depend on your Department's support or answers to any question. Mahalo plenty. Have a good afternoon.

MR. TATSUGUCHI: Thank you.

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COUNCILMEMBER HOKAMA: So, Chair?

CHAIR CRIVELLO: Yes, Mr. Hokama?

COUNCILMEMBER HOKAMA: You know...

CHAIR CRIVELLO: Mr. Hokama, can we allow Ms. Fischer to respond to your questions or you want to continue this discussion from your purview?

COUNCILMEMBER HOKAMA: I want to finish my line of questionings --

CHAIR CRIVELLO: Okay.

COUNCILMEMBER HOKAMA: --first --

CHAIR CRIVELLO: All right.

COUNCILMEMBER HOKAMA: --Chair, please.

CHAIR CRIVELLO: Thank you.

COUNCILMEMBER HOKAMA: You know for me, Chair, it appears to be just another layer of bureaucratic baloney. So it's going to add cost because now we're going to have to pay more people to do the same job we're currently doing is how I see it. I'm going to have to have more advisory committees, more technical committees, and all these, you know. I was hoping to find ways to streamline from the Congressional action and the release from the Department to the counties. And we worked hard to recapture the 30 percent that MAP-21 erred in giving the states that additional financial support. We got it back with the FAST Act okay. We worked hard to get this five-year program and we lobbied hard to get Congress to help move this forward. So for me, Chair, in our role from the national standpoint of counties, it's very clear that these are some of the things we gotta keep working on to make improvements, because I don't see the advantage for this island from how we were doing it. We got our projects, if we were ready, we got the funding. Why now do I need to put up another so much hundreds of thousands potential dollars from bureaucrat to sit above to make this things for the island? I got one Public Works Director, we got a Transportation Director, we have a Planning Director. Okay. Why are we creating another layer? I don't think it's broken but now just because we have a circle, a damn circle on a whole island, we gotta do this? I don't understand why we need this additional overhead, 'cause I don't see the projects coming in any faster. And, you know, for the emergency, the person spoke about regarding State issue, whatnot. Hey, we have a State emergency, I'm sure we should be qualifying for FEMA funding, wouldn't come out of the Highway Fund. So, you know, it doesn't add up for me at this point in time, Chair, and there's going to need to be a lot of work for me to be open to it, especially if it's going to dictate how we're going to do certain things in the budget.

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CHAIR CRIVELLO: Thank you. I can understand all of your questions, Mr. Hokama. Mr. Couch, before I call on you, Ms. Baisa is waiting to be called on. And I just wanted to have a better understanding as to when we say that or your concern is what we're going to come up with the County dollars that we'll participate. So if we have available if I understand so many millions of dollars, would the 20 percent of the 400,000, give us leveraging opportunities to bring in these so-called Federal funds? And if we don't formulate this, does that deprive us of receiving these Federal funds? And then, maybe then somebody can answer that question. So, Ms. Baisa?

VICE-CHAIR BAISA: Miss...Chair, not a problem. I had wanted to just say a word to Mr. Tatsuguchi but I missed the opportunity.

CHAIR CRIVELLO: I'm sorry.

VICE-CHAIR BAISA: I had the opportunity to work with him many years ago when I was at MEO, and he was exemplary as a State person to work with. I think Director Medeiros also knows that. You know we had to deal with Federal reimbursements and things, and he was always cooperative and easy to work with. So I'm real happy to find him on that end. So it was a relief to me, I wanted him to know that. Thank you.

CHAIR CRIVELLO: Thank you. We'll be sure to extend that. Mr. Goode?

MR. GOODE: Thank you, Chair. If I could, I'd like to address some of the concerns Mr. Hokama brought up. You know in 2012 when we got the letter, I think it was even...I think we were directly involved, obviously Public Works. We got the majority of the Federal funds, you know, go through our Department, and we participate along with Planning and DOT, both DOTs on, you know, which projects go on the STIP. And so actually when we got the letter and we met internally, we got some advice from attorneys, we talked. We were a little confused too. We thought wow, Big Island, they're not, what's...so we actually wrote back and said thanks but no thanks. That's one of the reasons it took a while is we had to unwind that as we learned more. So initially our response was exactly the same. It was well, we're already doing it, it's the same people. We already have...and there's even a public process, and what's the benefit? We didn't see the benefit. And we were given some advice so we could opt out, well, that was not the case, couldn't opt out. So we had to learn to opt in and go through the process and understand more about the program. So we did spend a lot of time with Ms. Fischer...who else?

UNIDENTIFIED SPEAKER: Ted Matley.

MR. GOODE: Ted Matley from FTA in San Francisco I believe, and others to help educate us about the program. Met with folks from Alaska MPO, Anchorage in particular, and understood that it is like an unfunded mandate. We do have the opportunity to receive some additional planning funds as we move forward. Obviously to participate in the TAP that Mr. Starr talked about will be coming along as the State unwinds or unveils the program, if you will. So we went through a learning process too. And we've also tried to make it as streamlined as possible. So initially, I mean we've

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basically been operating on our own without an executive director. It's not an official MPO but it's basically the same folks. My Deputy Director and Marc have been essentially handling the duties as much as possible. And so I was a little dismayed to see that now there's a new State law...well, the State law had to get amended because the Oahu MPO was set up 20-25 years ago and needed to come into the 21<sup>st</sup> Century. So the State law was amended but evidently there's a provision in there that says we have to have an ED, an executive director. That to me is kind of an unfunded mandate, but, you know, again how do we...yeah, no, I know you like those. So in some ways, our hands feel a little bit tied here, but we do see the opportunities in moving forward with the MPO, it's taken us a little while to come to that realization. And I'm just sharing this 'cause of, you know, the background I've had in the last few years on it. And the, this comprehensive agreement does set as a basic framework but there's a lot of work to be done. We did spend most of the morning with these fine folks from Federal Highways and we talked about what's before us today, but then it was more like, okay, what next? You know how do we get...what are the steps you want us to see done to get this up and running? What do you see in other MPOs? Especially if it's a small, newer MPOs across the country, you know, what are the stumbling blocks? And so we did spend a lot of time today, this morning talking about those next steps. Anyway I just wanted to give you that overview, because again, some of the things you expressed are the exact same things that I certainly expressed a few years ago. And it --

COUNCILMEMBER HOKAMA: And so, Chair?

MR. GOODE: --brings us to today.

COUNCILMEMBER HOKAMA: Thank you, Director. It's much appreciated words you just shared with the Committee. So again, using the Director's word, unfunded mandate, and since we haven't been doing it and now we're going to be required to do it by statute, I consider that under State Constitution, it's something the State has to pay this County to provide. Because it's another additional responsibility not normally ours, and now the State says it's ours and by Constitution they have to fund it.

CHAIR CRIVELLO: Okay.

COUNCILMEMBER HOKAMA: And so I would ask, Chair --

CHAIR CRIVELLO: Yes.

COUNCILMEMBER HOKAMA: --as I understand being part of that Constitutional Convention, that I believe the State should be paying for us for this service, because I surely don't want to put up County General Fund for this.

CHAIR CRIVELLO: Okay. Mr. Couch and then Ms. Fischer has some...oh.

COUNCILMEMBER COUCH: No.

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CHAIR CRIVELLO: She just said --

COUNCILMEMBER COUCH: She said no.

CHAIR CRIVELLO: --no.

COUNCILMEMBER COUCH: You know I understand where Mr. Hokama is coming from, we had this in my Committee a couple years ago and had the exact same questions. Why do we need this? And at that time, he was the President of NACo and had probably the opportunity and he may still have the opportunity to potentially work with the Federal government and say you know what, Hawaii's unique or, you know, smaller counties like Maui is unique and we might be able to get an exemption from this. If that were the case, if he were able to do something like that, what monies would we not get? I mean we haven't...have we missed out on a bunch of money from, in the last five-six years even before they decided to add Paia which is nowhere near anywhere else to make it an MPO? And that aside, I mean eventually Kahului and Wailuku are going to get over 50,000 people. My thought is if he can do his magic and exempt us, are we going to lose out on a lot of money? That's the question. Who might be able to answer that?

CHAIR CRIVELLO: Any respond?

MS. FISCHER: Well, the good news is that there are something called Federal planning funds that come to support staffing, tasks, activities that are a requirement. Under Federal Highway, it's called PL planning and under FTA, it's 5303 Urbanized Area Funds that go specifically to planning, and those go to metropolitan planning organization activities. That's the 80 percent of what financially supports making an MPO operate. The match comes from and it typically comes from the participating agencies which would be Public Works, Transportation, State DOT, and how...and it's between those three bodies that determines who puts in how much of what piece. But the bottom line is 80 percent of how a metropolitan planning organization operates is paid for, provided to you by the Federal government and that's the shorthand.

COUNCILMEMBER COUCH: I understand that part so but we're still out 20 percent if that were the case. My question is, what funding from outside, I mean are we talking millions of dollars, projects funds or whatever? We already got bus funds from a different Federal mandate or not mandate but did it from a Federal pot.

MS. FISCHER: There is potential to be out, and I say potential because I haven't looked at the specific numbers to be honest. The specific numbers go into the metropolitan area transportation alternatives program which is, and FAST Act is redefined how that's taken care of. It has...addresses how the sub-allocation to metropolitan areas is addressed for surface transportation, also changed under the FAST Act how that's...bottom line is if you look at FAST Act, metropolitan planning organizations actually have an increase in dollars over MAP-21 and all prior pieces of legislation as I have read it and how we the staff have been briefed by our front office in DC of what the FAST Act has done and what changes it's made. And that's one of the pieces is

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that metropolitan planning organizations actually get an increase in funds for regional transportation planning and projects.

COUNCILMEMBER COUCH: That's all well and good but that's in relation to metropolitan planning organizations. You have those that aren't in metropolitan planning organizations, what is the difference in level of funding out versus in, I guess? Because we also have to pay because of this urbanization criteria, we, Public Works has to deal with the MS4 stuff as well. All of a sudden we have new, again, unfunded, I'm being told that these are unfunded mandates. So I still would like to see if Mr. Hokama can do his magic with the Feds but not at a cost of oh my gosh, we're going to lose, you know, \$12 million a year for buses, et cetera, as opposed to what we have to spend on all the other stuff.

MR. RIZZO: Because of how recent the FAST Act was, it was just passed, our headquarters office hasn't given us all the numbers yet so I can't, I don't have a number. But there, the amount of the surface transportation program block grant that is sub-allocated has been increased from I think it was 50 percent to 55 percent. So more of that money is being sub-allocated. Now the sub-allocations go areas over 200,000, areas between 5,000 and 200,000, and then areas under 5,000 are the way those sub-allocations go. But again, we don't have the numbers yet, because they haven't had a chance to crunch them all. So it's that, the sub-allocated money that is for the areas between 5,000 and 200,000, and it's not so much you wouldn't lose it, you'd...that's kind...you wouldn't be able to program it is more what it comes down to. So that the State would be programming it like they do now under the STIP process.

COUNCILMEMBER COUCH: Thank you, Madam Chair.

CHAIR CRIVELLO: Thank you.

COUNCILMEMBER COUCH: And I do have more but...

CHAIR CRIVELLO: Yeah. Let me ask you this then. If we don't know how much we would lose out today, how much did we lose out since 2012? In 2013? I mean we're behind three years, what is it?

MS. FISCHER: You really haven't lost any money to date because the MPO hasn't been formally formed, but had the MPO been formally formed and in coordination with Oahu MPO and Hawaii DOT, the metropolitan planning funds that could have come here have not come here. That's, yes, it's a smaller amount of money, 400,000 more, was that kind of the ballpark?

MR. MEDEIROS: Approximately.

MS. FISCHER: So that's one of the pieces that there has been we could say some loss, but since the activities...it's one of those grey areas. The other piece is that...and this is something that we've talked with staff about is project, there are projects for instance to do a South Maui transportation study. Well, instead of Department of Public Works

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paying for it, the MPO would pay for that. It takes...and that's...so then the...it's shifting who gets to pay for it and where's the money coming from to pay for these kind of studies. Well, it means it takes a load off of these guys and puts it to the MPO to make that kind of study happen. And I don't know who would be paying for that study except out of your budget in total, because I don't see it on the STIP which means then that would be 100 percent County, maybe some negotiation with the State but more likely entirely the County would pay for it. Versus the metropolitan planning organization pays for 80 percent and then the MPO and its financial partners, 20 percent would come in and balance, so it's actually a win to have this added body because it's that extra money.

CHAIR CRIVELLO: Thank you. Mr. White?

COUNCILMEMBER WHITE: Thank you. I think the question is whether or not we have lost project funding, and whether there is more, will more project funding be available if we become an MPO versus if we do not? Does it change the funding mechanism?

MR. RIZZO: Yeah, I would say no, but remember the requirement is that, you know, we can't authorize Federal funds for projects unless they're on a TIP in a STIP. So eventually, I mean if eventually there's no TIP and there's no progress towards getting the process going to have that TIP, then we're not going to be able to authorize Federal funds in this metropolitan planning area because there's no TIP. So if a project's not listed on a TIP because there's no TIP then, and there's no TIP in the STIP from this metropolitan planning area, that means there's not going to be any STIP fund, any STIP projects or any Federally-aided projects in this metropolitan area. We're...obviously that isn't in the...it's not on the horizon. Definitely, you know, as long, you know, everybody's been working really well, it's not...but, you know, ultimately if you ask that question, that's the ultimate.

COUNCILMEMBER WHITE: So if we have no change in the project funding one way or the other, the only change is that we now have a different planning function or a different planning process. 'Cause right now, we have a planning process, there's recommendations that end up in the STIP, and so what you're saying is that the only thing that really changes is the planning process becomes more I guess localized and possibly formalized, and...

MR. RIZZO: Yes, absolutely. Yeah, definitely. And that was the idea I think behind, what Congress is doing with metropolitan planning organizations is to have that planning more at the local regional level rather, you know, to bring the regions up to more of an even footing with the state DOTs was the idea behind it.

COUNCILMEMBER WHITE: Thank you. Thank you, Chair.

CHAIR CRIVELLO: Thank you. Any further questions, Members?

COUNCILMEMBER HOKAMA: Chair?



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CHAIR CRIVELLO: Yes, Mr. Hokama?

COUNCILMEMBER HOKAMA: So our understanding is clear, if we're considered an MPO area, you need to be on both the TIP and the State TIP.

MR. RIZZO: If you have a TIP, you're automatically...sorry, if you're on a TIP you're automatically in the --

COUNCILMEMBER HOKAMA: The State.

MR. RIZZO: --State TIP. Yeah.

COUNCILMEMBER HOKAMA: Okay. And then I, you know, I appreciate your comments about local jurisdiction, a policy directive. So saying that since it's geared to be the local, from the Federal standpoint, you really don't care who is the policy board as long as it has a local component, right? From the Federal standpoint.

MR. RIZZO: Right. In our regulations, it lays out the stakeholders that Congress has said ought to be --

COUNCILMEMBER HOKAMA: Considered?

MR. RIZZO: --on the MPO policy boards. Yes.

COUNCILMEMBER HOKAMA: Because in the proposed ordinance, it says that it will be established through Chapter 2.35 in the makeup in the proposed ordinance. And so I would say I might be open if we'll say the Council shall be the policy board.

CHAIR CRIVELLO: We'll have...

COUNCILMEMBER HOKAMA: We control the money.

CHAIR CRIVELLO: Yes. I think Corporation Counsel can more --

COUNCILMEMBER HOKAMA: So...

CHAIR CRIVELLO: --give us more clarification on that as she goes through the bill and the assignment.

COUNCILMEMBER HOKAMA: And I just bring that up because what we heard from the State person is that you can make improvements or adjustments to the statute and whatnot.

CHAIR CRIVELLO: Right.

COUNCILMEMBER HOKAMA: So I would say is that something we can consider, Chair?

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CHAIR CRIVELLO: I don't know if Mr. Rizzo or Ms. Fischer has any kind of respond to that.

MR. RIZZO: Well just to clarify, you're saying, so the County Council would serve as the MPO board is what..that wouldn't exactly meet the list of stakeholders that are included in the regulations unfortunately.

COUNCILMEMBER HOKAMA: Well, you know, I don't have a problem adding the State Director of Transportation. Everybody else is a County person. But I don't have a problem with the nine Councilors making a decision since we're the elected representatives of the people, and we are the appropriators for the people.

CHAIR CRIVELLO: I think we can review that further with Ms. Sheppard from Corporation Counsel. Ms. Sheppard?

MS. SHEPPARD: Trying to reread the State law. I don't have any of these laws memorized and it's not something we work with on a daily basis, so if you'll just excuse me for a moment and take a look here.

COUNCILMEMBER HOKAMA: Again, Chair, if legal counsel needs time to do the appropriate --

CHAIR CRIVELLO: Right.

COUNCILMEMBER HOKAMA: --research to give us a good response, I'm happy with that. And I leave --

MS. SHEPPARD: Yeah, it would be easier.

COUNCILMEMBER HOKAMA: --it to your discretion, Chair.

CHAIR CRIVELLO: Yes. Will you be able to get back to us with the necessary answers on that and clarification?

MS. SHEPPARD: Well, I'm looking right now at Hawaii Revised Statutes, Section 279D-6 which talks about the metropolitan planning organization policy boards; membership and meetings. And the State law says policy board membership shall be established by a comprehensive agreement, including any applicable supplemental agreements and any bylaws. And as appropriate, any agreement or those bylaws that establish policy board membership may also include specifications regarding ex-officio membership terms, term limits of members, member alternates, quorums, and other considerations as permitted by law. And there is something that says--and I don't know exactly where it is but I'm hoping I can find it--that if there are...yeah, participation by members of any other board in a meeting of a policy board is a permanent interaction group--so it does comply with the Sunshine Law--and less than a quorum of policy board members. So if we have the setup that is currently proposed and we have three policy board members who are from the Council, two are

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non-voting, one's voting, if we have that setup, they can talk to each other about this planning stuff without violating the Sunshine Law, it's allowed.

CHAIR CRIVELLO: I think we're trying to clarify who are the members.

MS. SHEPPARD: Right. So the comprehensive agreement is required, the membership is something that can be determined. This is one version. If you want a different version, it may be something that we have to explore a little more in detail, but I don't see that it's prohibited. My question would be, you know, is that the best use of everybody's time or is a representation from the Council a better use of everybody's time?

CHAIR CRIVELLO: I don't think we're asking for that opinion, we're just trying to find out who are the members. So Ms. Fischer --

MS. SHEPPARD: Okay.

CHAIR CRIVELLO: --do you...I see you raising your hand.

MS. FISCHER: The Federal regulations...I think it's right here actually. Sorry, getting my eyeballs in. First and foremost, Ms. Sheppard, if I might ask you to go to the, one of the early sections in 279D where it talks about Federal reg, Federal law superseding all State and local laws, number one. Whenever there's a question or a conflict, that's a very important read. It's in your State statute now. Yeah. Basically the Federal regulations talk about MPO having, shall consist of local elected officials, officials of public agencies that administer or operate major modes of transportation in the metropolitan planning area, and appropriate State transportation officials. So in the draft comprehensive agreement which you have in front of me...we have all in front of us, does go to that very point of having representations from this body, the Members of Council. It goes to having representatives from Public Works, DOT, and State Transportation. And then it has also a couple ex-officio members of Council so then it's more than...I think you're covered. Basically your question has been addressed and is covered from our perspective, from the State statutory perspective, that there is a voice and that a representative from the overall Council or several representatives actually by this draft comprehensive agreement does go to I would think serving the point and addressing the point that you're making. Oh and by the way, County Planning is also a member of that body as proposed.

COUNCILMEMBER HOKAMA: Yeah, thank you, Ms. Fischer. And I bring that up, Chair, because my understanding is unless they made the change, Oahu has five Councilmembers.

COUNCILMEMBER COUCH: They have three now.

COUNCILMEMBER HOKAMA: It changed?

COUNCILMEMBER COUCH: Yeah.

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COUNCILMEMBER HOKAMA: Okay, 'cause I thought they were at one time at five.

COUNCILMEMBER COUCH: They were.

COUNCILMEMBER HOKAMA: Yeah. Okay. Thank you.

CHAIR CRIVELLO: So does this include also formulation of involving your citizens or your residents? It's a separation. It...okay. Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Madam Chair. One of the, I guess one of the questions I was getting at, the TAP funds that Mr. Starr was talking about. Those aren't available to us if we weren't, you know, if Mr. Hokama did his miracle and got us out of this. We wouldn't have access to TAP funds, is that correct?

MS. FISCHER: State DOT would do that.

COUNCILMEMBER COUCH: State DOT, but...

MR. RIZZO: Yeah, you would compete in the Statewide process for TAP funds, whereas, with an MPO you will have a pot of TAP funds that you will program.

COUNCILMEMBER COUCH: That we can deal with.

MR. RIZZO: Right.

COUNCILMEMBER COUCH: Okay. So that's --

MR. RIZZO: True. Right.

COUNCILMEMBER COUCH: --some funding that we would be missing out on. When this whole thing gets going 'cause it is not part of the County, it's not part of the State, it's not part of the Feds, it's its own thing, do they have their own...who handles their finances? Do they have their own bank account, do they write their own checks? How does that work?

MR. MEDEIROS: Initially we would...because the funds, Federal funds would come through the State to the County Department of Transportation, and then we would flow the funds through our Department into the MPO.

COUNCILMEMBER COUCH: Okay. But ultimately it would be their own...'cause it's their own entity, technically they're supposed to be away from the County other than they have Members of the Council. And as a follow-up to that, you know, the suggestion is one voting Councilmember and two ex-officio non-voting Councilmembers. Any particular reason for that and not just three voting Councilmembers?

CHAIR CRIVELLO: I think that came from the Department.

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COUNCILMEMBER COUCH: Okay. We can change that, right?

CHAIR CRIVELLO: I believe so. My understanding how they clarified it at our last meeting.

MR. MEDEIROS: Yes. That's correct.

CHAIR CRIVELLO: Yeah.

COUNCILMEMBER COUCH: Okay.

CHAIR CRIVELLO: Yeah. Mr. Takamori, did you want to comment on anything? No.

COUNCILMEMBER HOKAMA: So, Chair, if I can just ask. This would then be a grant through Department of Transportation to the planning organization? That's how we would do it in our...that's how you would come to me during budget?

CHAIR CRIVELLO: Ms. Fischer can answer that for us. Yeah.

MS. FISCHER: It's not a grant, it's a pass-through. It's basically HDOT, Hawaii DOT by Federal statute actually is required to take those Federal planning funds and pass directly through them, Hawaii DOT directly to the metropolitan planning organization. Don't ask questions, don't stop, it goes directly to. It...because we provide all the funds directly to the State and the State passes through, it's not a grant, it's a pass-through.

COUNCILMEMBER HOKAMA: So it goes straight to the MPO?

MS. FISCHER: Yes, sir.

COUNCILMEMBER HOKAMA: So it doesn't have to come through our County budget then, right?

MS. FISCHER: Yes, sir.

MR. MEDEIROS: Not quite. The way we have it set up administratively, it would be in our budget. The funds would come from the Feds, the State through our budget, and so in our budget to the Council, it would show the Federal funds and then we would be requesting the matching funds. In, we're putting it in next year's budget.

COUNCILMEMBER HOKAMA: Right. But like how we've always treated other Federal dollars --

MR. MEDEIROS: Correct.

COUNCILMEMBER HOKAMA: --it comes as a grant consideration to the Council.

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MR. MEDEIROS: That is correct, absolutely.

COUNCILMEMBER HOKAMA: So we're going to pass it through as a grant from the Feds to the MPO.

MR. MEDEIROS: You're correct.

COUNCILMEMBER HOKAMA: Okay. Well, I'm just confused because the Federal representative said no, it goes direct, and you're telling me no, it's going to come through my budget. So I'm just trying to figure out how it's, how does this really work.

CHAIR CRIVELLO: Mr. Takamori?

MR. TAKAMORI: To kind of give you an idea, I believe how Oahu MPO does their finances, I think it changed recently so maybe Liz will be able to update us. But our understanding when we were going through this process, the administrative function of the Oahu MPO was kind of tied with the State. And so what's a little bit different is that we're the ones pushing to move the MPO forward so therefore that's part of the reason why it's kind of tied to our Department administratively.

COUNCILMEMBER HOKAMA: And then the same time the Federal dollars gets funneled through the structure, the State also provides the, their dollars at the same time?

MR. TAKAMORI: So, yes, for the Oahu MPO, I believe the State puts in...I think the State DOT or State of Hawaii, HART, and City and County provides funds.

COUNCILMEMBER HOKAMA: So of the 20 percent basically --

MR. TAKAMORI: It's the one-third.

COUNCILMEMBER HOKAMA: --on the...

MR. TAKAMORI: One third. Each, I guess each agency provides one-third of the match.

COUNCILMEMBER HOKAMA: No, no, but for our County --

MR. TAKAMORI: For our County...

COUNCILMEMBER HOKAMA: --for the 20 percent, the State's going to pay what, 10 percent, 15 percent?

MR. TAKAMORI: It...so part of...

COUNCILMEMBER HOKAMA: I mean not \_\_\_\_\_ but I would say 50 to 60 percent of the 20 percent remaining?

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MR. TAKAMORI: That is...that...yes. That is what we are looking at doing. The part of the reason...part of...there's a section about supplemental agreements, and those supplemental agreements will have to come in front of Council, because in that agreement between the County and the State, it's going to have to determine what the State is providing for this organization match.

COUNCILMEMBER HOKAMA: And you folks have commitments from State DOT on how much --

MR. TAKAMORI: Yeah.

COUNCILMEMBER HOKAMA: --they're going to ante up?

MR. TAKAMORI: Yes.

COUNCILMEMBER HOKAMA: Can you tell the Committee today what is that commitment if you are able to?

MR. TAKAMORI: It is our understanding that they would be providing the 10 percent.

COUNCILMEMBER HOKAMA: So we would come up with the other 10 percent?

MR. TAKAMORI: Yeah.

COUNCILMEMBER COUCH: So it's only 40 . . . *(inaudible)* . . .

COUNCILMEMBER HOKAMA: Well, we hope you can maybe present us with a anticipated budget scenario so we can understand what we are agreeing to and committing to.

MR. TAKAMORI: Okay.

COUNCILMEMBER HOKAMA: Because I'm going to be honest with you, you know, I'm going to look at Highway funds if we do this and where you're going to get your pot of money from, and if there's no Highway funds, I will not look at General funds.

MR. TAKAMORI: Okay. But yeah, just to reclarify that, that is supposed to be in the supplemental agreement that would show what the, I guess the finances would be.

CHAIR CRIVELLO: Mr. Medeiros?

MR. MEDEIROS: I would urge the Council after everything that's been said here, is to please allow us to move forward with this, with the MPO. And once we've done that, that huge cloud will be lifted from over our head that we could lose money. That's my big concern at this point. And then allow us to work with the Council and the board to come up with some of this nitty-gritty stuff that's going to have to come to you. But I'd just like to get the bus out of the station so that we're legal, and that the Feds, we won't be holding, you know, that it won't be held...we won't be held hostage for our

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Federal money. I really urge you to do that. And you will have, the way it's set up now, you will have representation on the board. Thank you.

CHAIR CRIVELLO: Thank you. Mr. Hokama?

COUNCILMEMBER HOKAMA: Then I would ask the Department to seriously consider supporting a gas tax increase to help fund the needs of your MPO and whatnot that will be coming from the County portion. So and we...and I would look forward to your comments when we hit budget on a proposed gas tax increase to pay for these things. Thank you, Chair.

CHAIR CRIVELLO: Thank you. Any further comments or questions or what have you? Mr. White?

COUNCILMEMBER WHITE: Just for clarification. The three members of the MPO that are Honolulu Councilmembers, are they voting members? Okay, thank you.

CHAIR CRIVELLO: Mr. Couch?

COUNCILMEMBER COUCH: Thank you. And that was one of my questions. And they're okay...is there any exemption? I guess this is from, for Ms. Sheppard. The whole Sunshine Law issue, because three Members talking about something that goes before Council is against the Sunshine Law. So are they exempt if they're members of this MPO?

MS. SHEPPARD: Yes, there is an exemption in the State law and we also put that in the comprehensive agreement per se.

COUNCILMEMBER COUCH: Okay, just wanted to double check that. And, Madam Chair, I guess we've gotten some really good questions, and I think we got most of the questions answered. Is it your intent to try and pass this out? If so, I'd like...

CHAIR CRIVELLO: Not today.

COUNCILMEMBER COUCH: Oh, not today. Okay. 'Cause I would like to at least make the suggestion that we, the three Councilmembers are all voting members. At least that's, would be a motion . . . *(inaudible)* . . .

CHAIR CRIVELLO: Yeah, we're going to work on this, but I think we've got more work to go over on this with. Mr. Carroll, do you have any comments or questions?

COUNCILMEMBER CARROLL: Thank you, Chair. I support this and I think it's good. I like the breakdown that they have over here. One Councilmember appointed by the Chair, we have two ex-officio Councilmembers to help with the committees. And the other breakdown of course is the Director of Planning, Director of Public Works, Director of Transportation, and the State Department of Transportation which almost certainly would end up being a Maui person. We have people inside over there that are all



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experienced, all have a good knowledge of what needs to be done. The downside is of course that everybody's really busy, but it's also the upside because they're busy because they know what they're doing. I would hope we pass this out. Once this committee is formed, they will have the chance to get into really detail and come back and say well, hey, this really good and come back and...if it's successful and bring funds inside that we do sorely need, and it will really help our Maui County taxpayers because there will be less that we have to come up with from our budget from our taxes. I do not see any downside of this and I support it as it is. Thank you.

CHAIR CRIVELLO: Thank you. Ms. Baisa, any more comments or questions?

VICE-CHAIR BAISA: No, I think Mr. Carroll was eloquent, and I certainly would like to see this move ahead. Let's get going and then we can fool with it later on.

CHAIR CRIVELLO: Thank you. Mr. Couch? Mr. White?

COUNCILMEMBER COUCH: Yeah, I guess I'll reiterate, I...you know, although I have some concerns I think it is the right thing to do, but I do want to say that I think any of the Councilmembers that are on it should be all voting members, in my opinion.

CHAIR CRIVELLO: Mr. White?

COUNCILMEMBER WHITE: No further comments.

CHAIR CRIVELLO: Mr. Hokama --

COUNCILMEMBER WHITE: Thank you.

CHAIR CRIVELLO: --anything further?

COUNCILMEMBER HOKAMA: I look forward to the redraft.

CHAIR CRIVELLO: Okay. Mr. Victorino? Thank you. Department, any further comments or question?

MR. MEDEIROS: No, thank you for your time. Thank you for hearing us today, and I appreciate our Federal partners for being here to help us with this, maneuver through this. Thank you very much for your time.

CHAIR CRIVELLO: Mr. Goode, any comments or questions? I, too, would like to thank Mr. Rizzo and Ms. Fischer for your, for you taking the time to meet with us. I appreciate it. And also of course our Mr. Ken Tatsuguchi. So, Members, you know, everything's been discussed. I think at our next meeting hopefully we can get the changes and whatever information we've asked from the Department when it comes to the, I guess the County's share of dollars when you...and what is in the supplemental agreement would be appreciated. So, Members, without objection, I plan to schedule

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this for a future meeting real soon, and at this point, we'll defer this matter, if there are no objections?

COUNCILMEMBERS: No objections.

**COUNCILMEMBERS VOICED NO OBJECTIONS** (excused: DSG).

**ACTION: DEFER pending further discussion.**

CHAIR CRIVELLO: Members, we have completed today's agenda. I'd like to thank again the representatives from the Administration, Department of Corporation Counsel for their participation. And of course, Michele and Tammy, thank you very much. And with that, the January 21, 2016 meeting of the Housing, Human Concerns, and Transportation Committee is now adjourned. Thank you. . . *(gavel)* . .

**ADJOURN:** 3:12 p.m.

APPROVED:



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

hht:min:160121:ds

Transcribed by: Daniel Schoenbeck

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CERTIFICATE

I, Daniel Schoenbeck, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 27<sup>th</sup> day of January, 2016, in Kula, Hawaii

  
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Daniel Schoenbeck