

**MAUI METROPOLITAN PLANNING ORGANIZATION
POLICY BOARD**

MINUTES

June 20, 2016

**Planning Conference Room
Kalana Pakui Building**

CONVENE: 9:05 a.m.

PRESENT: VOTING MEMBERS:
David Goode, Chair
Don Couch, Vice-Chair
Stacy Crivello, Member
Ford Fuchigami, Member
Don Medeiros, Member
William Spence, Member

EXCUSED: VOTING MEMBERS:
Elle Cochran, Member

STAFF: David Raatz, Director, Office of Council Services
Raynette Yap, Committee Secretary

OTHERS: Ed Kushi, First Deputy Corporation Counsel, Department of the Corporation
Counsel
Jerrie Sheppard, Deputy Corporation Counsel, Department of the Corporation
Counsel
Liz Fischer, Transportation Planner, Federal Highway Division
Brian Gibson, Former Executive Director, Oahu Metropolitan Planning
Organization
Tiare Lawrence
Keeaumoku Kapu, Aha Moku O Maui
Charlene Shibuya, Nutrition and Physical Activity Coalition of Maui
Mike Atherton
Tamara Paltin
John Seebart
Plus (6) Others

AGENDA ITEM I. CALL MEETING TO ORDER

CHAIR GOODE: . . .(*gavel*). . . Good morning. The Maui MPO is called to order. We have six of our seven members present. Ms. Cochran is unable to attend today. And the first

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order of business is public testimony. And I believe we have folks signed up to testify. No? Is there...no one signed up to testify?

AGENDA ITEM II. PUBLIC TESTIMONY

. . . BEGIN PUBLIC TESTIMONY . . .

MS. LAWRENCE (*from audience*): Go now?

CHAIR GOODE: Okay. Is there anybody else wishing to testify or just here to listen and soak it all in? You ready? Okay. Our first testifier. Give us your name and any organization you might be representing.

MS. LAWRENCE: Aloha. My name is Tiare Lawrence. I'm here representing myself. I attended the meeting at the Council Chambers last Thursday and I was there to testify about seawalls. And I wanted to take this opportunity because Mr. Ford --

MEMBER FUCHIGAMI: You can call me Ford.

MS. LAWRENCE: --Ford? Hi Ford--because he's here and I wanted to get in your face 'cause this is a very serious issue and I'd like to invite you or maybe if you have some time to take a drive to Lahaina and see the hardening that's continuously taking place. It's destroying our beaches, it's limiting our public access, it threatens our coral reef ecosystem. And I wanted to take this opportunity because it's getting worse with all of the hardening taking place and it's just making the problems worse and worse and we've already spent \$15 million on the recent projects. We're about...the State's about to throw in another \$30 million in more hardening. And I think it's time for the State and the County to cooperate with each other and already really start pounding the realignment of Honoapiilani Highway. It needs to happen. It's 20 years behind. It's in our community plans. And I think you guys all know the effects that seawalls have. But I just wanted to take this time and, you know, I think this needs to be an immediate priority to protect the preservation of this beautiful coastline. And, yeah, let's make it happen. I'd like to help you in any way that I can. But the realignment needs to happen because we're losing a lot of beach, a lot. And being pushed out of places that we used to frequent.

CHAIR GOODE: Okay. Anything else, Ms. Lawrence?

MS. LAWRENCE: No.

CHAIR GOODE: Well, thank you, appreciate it. And I...if I could, even though your comments were directed at Mr. Fuchigami, it's really...what you're describing is really a matter for the whole board. And of course it is a DOT project, but that's...and the reason I'm doing this is 'cause I think we're all in an educational process about what the Maui MPO is about, but it's exactly what you said in terms of prioritization of

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projects, right. Where are the priorities, helping to establish those priorities; and it does include State projects and County projects so...

MS. LAWRENCE: Yeah. I did testify two times last week for seawalls so –

CHAIR GOODE: Oh okay.

MS. LAWRENCE: --at the Planning Commission and the Council. And so...

CHAIR GOODE: Okay.

MS. LAWRENCE: Because he's here...and Mr. Couch had asked me to come today, so...because the State was going to be here so...

CHAIR GOODE: Yeah, okay.

MS. LAWRENCE: Yeah.

CHAIR GOODE: No worries. But your comments are well taken.

MS. LAWRENCE: But I do understand where you're coming from, yeah.

CHAIR GOODE: Okay.

MEMBER FUCHIGAMI: You know, Chair, if I can just kind of...you know, I appreciate the comments. And to be honest, we're well aware of, you know, what's going on. What's happening here on Maui is no different than what's happening basically on all the other islands as well. I think if you kind of let to the media, Kaaawa, we had three occasions where the road actually fell into the ocean; and again, at a cost of a little over \$400 million, you know, we're going to have to go ahead and address that. We have the problem at Laniakea. We have a problem in Makaha. All basically asking us to do realignments. This particular project that you're talking about—you're correct, it's been on the books for quite some time—and reviewing the history, it looks like this project is going to cost some \$500 million. Now where do I get the funding from? That's my biggest concern right now. And while I appreciate the need for us to get this thing done and the fact that we're going to be working very closely with the County especially now that the MPO's set up. We appreciate the comments. I do get e-mails quite a bit about what we're trying to do. So we are working on it, but it is a process that is not just a matter of, you know, realigning the road. We're working with UH on a sea-level rising study. Unfortunately, it's a six-year study. We're working basically with other agencies, DLNR, in terms of how best to do this. So I know we fail at communicating with the community and that's, you know, that's my fault. We should be getting out here more often to let you know what we're doing. And, as much as possible, unlike Oahu which has neighborhood boards which literally demand that we be there to explain to them what's going on, you know, the neighbor islands don't have such a venue of getting the messages to us. But we do...we are aware, you know, the

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concerns here. We are working on it. The EIS, just to complete this, is going to take years just to do it because we're working along the shoreline, so...

MS. LAWRENCE: Okay. But I understand that...sorry, sorry. Sorry, I don't mean to be disrespectful. But, you know, there's all these emergency proclamations taken every year by the State. And they get an emergency proclamation to put in this seawall and then another emergency proclamation to put in this seawall. How many more emergency proclamations? I say the realignment should be an emergency proclamation.

MEMBER FUCHIGAMI: And you're absolutely correct.

MS. LAWRENCE: It should happen. And, you know, if the County has to figure out a way to make the funds...or the State or whatever, like, it needs to happen.

MEMBER FUCHIGAMI: But you're not going to get...

MS. LAWRENCE: I mean just like how they pushing the rail--for whatever reason--on Oahu, like, the realignment of Honoapiilani needs to happen. Accidents happen all the time. People sit in traffic every single day. That...all of our...majority of our money that comes to our County comes out of Lahaina; that's where all the tourists go. So we need to figure out a way to protect that beautiful coastline and also accommodate our residents and our visitors. And I understand this EIS and all this stuff takes time, but if you guys didn't have to get a EA for the emergency proclamation recently for the seawalls being put in on the north and south ends of Olowalu, then what's the difference? Let's do an emergency proclamation for the realignment. I know it doesn't sound that easy, but -

MEMBER FUCHIGAMI: Yeah.

MS. FUCHIGAMI: --I mean come on. We gotta do something, and we gotta do it quick because it's literally falling in the ocean. We just had our first south swell. Cars getting washed all over again. I mean the hardening's not working, it's just getting worse.

MEMBER FUCHIGAMI: The difference for us, basically, is that when we do a permanent fix, a long-term fix as we call it...you have your short-term, you have your mid-term, you have long-term. A long-term fix needs to be, actually, vetted out through all concerned. We need to know exactly how far in to take the realignment. What we don't want to do is spend millions and million dollars to do a realignment and then find out ten years, twenty years from now that because of the sea-level rising basically the waters going...the roadways gonna be washed away. So we are working on it, I assure you that. The staff has been doing it. And as we move along and as through this MPO process, we'll get a better idea, basically, on how best to do this. And then once we do that, you know, you'll be aware of it. We will communicate more with the City Council to make sure that they're aware of the process that we're doing right now.

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MS. LAWRENCE: And let me know, like, I mean I want to help make this happen. It needs to happen. So if there's anything that I can do from a community standpoint to support this effort, please let me know.

MEMBER FUCHIGAMI: Maybe what you can do, send me your contact information so that if we do get information, I can send it to you directly. If you have any comments, you can go ahead and do it that way.

MS. LAWRENCE: Absolutely. Thank you.

MEMBER FUCHIGAMI: Are you going to be here the whole meeting?

MS. LAWRENCE: No.

MEMBER FUCHIGAMI: You know what, let me give you my card now then.

MS. LAWRENCE: Thank you.

MEMBER FUCHIGAMI: That way you can e-mail me. Thanks.

MS. LAWRENCE: Thank you so much.

CHAIR GOODE: Alright. Thank you, Ms. Lawrence. Next. Mr. Kapu?

MR. KAPU: Good morning. My name is Keaaumoku Kapu. I'm from Lahaina. I got kind of the same concerns as Tiare about the Department of Transportation's, I guess, long-term mission. I like what's going on with the partnership with the County and the State coming together to try to alleviate a lot of the problematic situations that we face, especially on the west side. I think the realignment of the highway is most definitely necessary, and I think what would benefit from that is slow traffic down in that area because every time we get one accident on 'piilani coming into Lahaina, that road is shut down for hours; and it's periodically, every time. Can be just one simple bumper-to-bumper, and it's not serious. But when it's serious, then they totally shut down the highway. So by, you know, making alternative areas in despite of building these seawalls to take the traffic in a meander kind of way would definitely slow down the traffic in that area. So I'd like to, you know, both sides to really team up and look at the situation that we face all the time. Traffic in Lahaina is most definitely crazy in the mornings when everybody going work and in the evenings when everybody's coming home. And, you know, as I understand it, the County did a—what was it?—like a tradeoff or condemnation buyback, spent \$20-something million, the Pali to Puamana project. The thing is a great opportunity now instead of leaving it open space to use that as an advantage to, you know, start looking at the dynamics on a topographical perspective on how certain areas...I know that State has certain areas designated to building the seawalls, which is right up to the highway. Maybe just those areas to kind of think about taking the road away from those areas. I don't think it would cost that much money, but I just don't see why the County spends \$20-something million on a buyback and leave it open space and we dealing with the

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pilikea of knowing that these seawalls in the future is not going to benefit us. Most definitely is not going to benefit us. I am here in representation of Aha Moku O Maui, and this was based from years of work with a lot of the lineal descendants from different mokus and I would like to consider that this body include, also, recommendations that come from representatives from these mokus, especially Lahaina, Kaanapali. I know Lahaina right now I don't like the plan that's going to, basically, going to be happening and if there's any way where the general community under Aha Moku O Maui under Act 288 singed by Neil Abercrombie could be a benefit to help in a consultation with a lot of the elders to look at ways of how we can take the road away from the ocean so we don't affect our environment even more. So I mahalo you all. I...in the long-going discussions as pertaining to trying to look at what is feasible and what is very important for all of us, especially on the general public side, I would like for you to really, really consider bringing on a lot of the people from that moku because they know a lot about that place that'll help you guys, guide whatever you guys need to do in the future, so thank you.

CHAIR GOODE: Okay. Thank you, Mr. Kapu. The next testifier is Ms. Charlene Shibuya representing NPAC. She'll tell us what NPAC is.

MS. SHIBUYA: Yes. Thank you, Chair Goode; and good morning, distinguished Members of the MPO. Yeah, anyway, my name is Charlene Shibuya and I'm here for the Nutrition and Physical Activity Coalition of Maui and I'm here to represent Sandy McGuinness, who's the Coordinator, that she had a previous commitment. But, if I may, may I approach the Members and transmit these two items that I'm going to briefly explain what it is?

CHAIR GOODE: Of course.

MS. SHIBUYA: Yes, anyway, the small brochure basically explains what NPAC is. And, basically, our mission is to promote better well-being in a safe and accessible community where people are surrounded and, you know, they're able to make healthy choices. And so one aspect of our mission is to make sure our built environment, such as you know, the roads and surrounding areas have sidewalks and bikeways so that, you know, just because you don't have a car you can still get around with Don Medeiros' transit to help. Yeah, so you know, with this in mind, if you look at this plan that was...basically Sandy got some grant money to prepare this plan for central Maui which is Wailuku and Kahului which has a terrain that's, you know, very conducive to bicycle and pedestrian facilities, so this plan kind of goes through both State and County roadways and lists a whole bunch of priorities...projects that you can do to eventually come up with this world-class facility in the central Maui area. So basically NPAC's hope is, you know, if this body, you know, which you guys will have a lot of say in what goes into the Statewide Transportation Improvement Program for federal monies and if you can seriously consider including, you know, these projects not only next year and the following year, but you know, in perpetuity because you know, these master plans take forever to get done. But if we don't start somewhere and if we don't do a little bit at a time, we don't get anywhere. And essentially, you know, once you can move towards this network then I think it's not

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going to only benefit the residents, it will also benefit visitors. 'Cause if you look at all the, you know like, cities like Portland, you know, they started a long time ago, they had a lot of opposition; but they overcame it and through the years, you know, they have now a world-class bicycle facility throughout the city. I know sometimes their traffic is pretty bad but I think they're trying to encourage people to get out of their cars and get, you know, doing bicycles and sidewalks, yeah. So with that, if you could, you know, help us and just...we'll continue to lobby for a lot of these things 'cause NPAC's mission is to really get complete streets throughout. And, you know, thanks to Don Couch, he was able to get the Complete Streets resolution through. So, you know, it's like everything is kind of moving towards this. So with that said, thank you for your time.

CHAIR GOODE: Alright. Thank you. Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair. Thank you, Ms. Shibuya, for being here. I have a question for you. Thanks for the plans by the way. Can some of these things be done...you mentioned the STIP, et cetera. Can they be done with TAP funds?

MS. SHIBUYA: TAP funds?

VICE-CHAIR COUCH: Transportation Alternative...

MS. SHIBUYA: Oh, TE?

VICE-CHAIR COUCH: It used to be TE apparently.

MS. SHIBUYA: Yeah. I guess some of the stuff like, you know, because a lot of...if you look at all the roadways, especially the DOT roadways, you know, they're on, like, the major arterials that would qualify right, would be eligible for that kind of funding. But then, just as a side note, you know, lot of...some of these improvements can actually piggyback on larger improvement projects which, you know, the County has helped us do some stuff and then the State, you know, still look at trying to do some stuff 'cause if you look at the date of that plan, it's 2012 and, you know, we did give copies of these plans to both the State and County engineers so that they could look at opportunities for existing projects that they could piggyback things on. But, ultimately, you know, it's quite a long list and some of 'em are, you know, beyond just improvements; and that's where we'd want to, you know, be eligible for, some sort of federal funds that helps, yeah, 'cause it's 80-20 generally.

VICE-CHAIR COUCH: Thank you.

CHAIR GOODE: Okay. Thank you. Anyone else? Okay. Next testifier signed up is Mr. Mike Atherton.

MR. ATHERTON: Thank you, Chair, Committee. My name is Mike Atherton. I'm here representing Waikapu Country Town, and I'm here as an advocate for affordable housing. I have a large affordable housing component in my project. My project's

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moving through the County, it's in its EIS process about two and a half years from possible completion. And I'm here to ask you to consider Waiale Road Extension from Waiko Road to Honoapiilani Highway. It's vital to the affordable housing component on my project. Question? Thank you.

CHAIR GOODE: Okay. Thank you. We have one more person signing up to testify. If anybody else is interested in testifying, go ahead and sign up. Okay. Ms. Paltin, you ready, you signed up? Okay. Go ahead.

MS. PALTIN: Good morning. Thank you for this opportunity to testify. I'm just testifying about, you know, seawalls. I know that recently the Planning Commission gave Hololani permission to build a 400-foot seawall, and I just wanted to share, you know, I was driving over from Napili. A seawall that was just built right Lahaina side of Puamana park, you can see all the ocean water that did come over. And I know it's, like, full moon right now so the tides are kind of more extreme, but that was like a multi-million-dollar project and that the ocean already, as soon as that's finished, is like flooding the roadway. To me, is kind of common sense that we're going to need to build another road much more inland because science already...you know, I think NOAA was saying that they accept a rate of, like—I forget what the rate is—but that the sea level is rising so much per year. And then if you are around the ocean, you realize that whatever little measurement that is, if you have a big swell with a full-moon tide or a storm, that little amount is going to be that much bigger. And if right now with no swell, no storm, just a full-moon tide, the water's already flooding the roadway, just seems like, you know, if we're really planning for our future, we gotta plan for a realignment of the highway much more inland and the process of seawalls is not helping the situation at all. Science proved it. I was at a party recently talking to some of Na Kupuna O Maui about how that seawall got approved. And the first thing the kupuna were telling me, Auntie Patty and some other people, is like, seawalls don't work, they totally change the currents. And, you know, if our kupuna know this it's not because they did science research, they know it because they lived through seawalls happening and seeing the effects of it. So if you're planning for metropolitan something, you gotta take into effect that a lot of our low-coastal area highways need to be moved inland and seawalls don't work. You know, even in that project, they testified they had Department of Health approval and they didn't, you know; so that's a lie, they got a permit fraudulently by stating incorrect information. So I think, you know, basically seawalls are just bad, everybody knows it, and I don't know why we continue to do that practice. Thank you.

CHAIR GOODE: Thank you, Ms. Paltin. Any questions? Okay. John Seebart is our next testifier.

MR. SEEBART: Good morning. I really didn't come to testify. I came to hear about MPO, but I concur with a lot of what's been said from NPAC and from Guy [*sic*] and Tamara. I mean and Mister...it's Ford, oh.

MEMBER FUCHIGAMI: Yeah, just go with Ford.

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MR. SEEBART: Okay. I'm, you know, I understand that these things take...a \$500 million project is a lot of money. But the only thing I would add and I didn't really come here to say this, but I think that road is absolutely alarming for west Maui. I mean I think we're one significant event from losing that road in various sections. That road is going to go away. I mean there's a high tide today, it's going to be 2.3 feet or something like that; and if there's a south swell, I mean I don't think that will take the road out today, but one big storm and that road is going to be gone in many, many sections; and the entire access to west Maui is going to be gone in terms of tourism for this island. I mean...I'll keep it brief, that's it, that's all I have to say. Thanks.

CHAIR GOODE: Thank you, Mr. Seebart. Any questions for him. Is there anyone else wishing to testify? Okay. We'd like to close testimony.

MEMBERS: No objections.

CHAIR GOODE: Okay. Testimony is closed.

. . . END OF PUBLIC TESTIMONY . . .

AGENDA ITEM III. APPROVAL OF MINUTES – May 4, 2016 Meeting

CHAIR GOODE: The next agenda item, Members, is Approval of the Minutes. And you were provided a copy of the minutes. Are there any changes that need to be noted on the minutes? If not, can we get a motion to approve?

MEMBER SPENCE: Move to approve.

MEMBER MEDEIROS: Second.

CHAIR GOODE: It's been moved and seconded by Mr. Spence and Mr. Medeiros to approve the minutes. All in favor, say, "aye."

MEMBERS: Aye.

CHAIR GOODE: Okay. And no "noes" I take it? Okay. Minutes are approved.

**VOTE: AYES: Chair Goode, Vice-Chair Couch, Members
Crivello, Fuchigami, Medeiros, and Spence.**

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Member Cochran.

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MOTION CARRIED.

ACTION: APPROVED May 4, 2016 Minutes.

AGENDA ITEM IV.a.i. OLD BUSINESS; Review, discussion, and approval of administrative agreement

CHAIR GOODE: Next up in Old Business - review, discussion, and approval of a number of supplemental agreements. And, as a backdrop, there's a comprehensive agreement, which we're going to discuss here a little further in the business. But as...there's supplemental agreements to that comprehensive agreement. It's going to help get this MPO up and running to its fullest capacity. And it's, you know, it's incumbent upon this board to move these agreements, you know, forward when they're ready. And without getting these agreements in place, we're going to be significantly hamstrung in getting our business accomplished. And, as you can hear from the testimony today, we have a fair amount of business before us throughout the term of this MPO. So the first...and, also, I should say that these draft agreements were sent out...were provided at our last meeting. And new versions of those agreement have been provided to you this morning. And so I know it's too much to read. Certainly, having just received them, but I thought it would be helpful if maybe if we got kind of an overview of the changes from the one we had at our last meeting and the one we have today. Is that acceptable to the Members? Okay. So our first agreement that's on our agenda is the Administrative Agreement. And I can just preface by saying the...in reading the agenda here that, you know, this defines the administrative roles and responsibilities embodied by the Maui MPO's assignment to the County of Maui Department of Transportation. So this is an...from a logistic standpoint, the monies that we receive from both the County, the State, and the Federal Government through the State still need to, more or less, reside somewhere; and so that's been a...Mr. Medeiros' department has I think first volunteered and then got codified in the County's agreement, that that would be the agency. So this agreement then defines, in more detail, those roles and responsibilities. So could I have Corp. Counsel go over the changes in this version? It looks like Ms. Sheppard's going to be doing that.

MS. SHEPPARD: Yeah.

CHAIR GOODE: Okay.

MS. SHEPPARD: Okay. First of all, on the Administrative Supplemental Agreement, the heading, that is kind of the master heading that we've used for the other two agreements. So where the other two agreements were different, they now look parallel to this particular heading. So that heading didn't change. But in the first paragraph, we did remove the words, a small urban zone area, because it has to be abbreviated throughout and that it's used two or three different times. It doesn't really add anything to the agreement, it's just distracting; so we removed that just to make it clarified. We cleaned up the formatting a little bit so you see a nice, cleaner product.

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So on the finance section, we also took out the small UZA abbreviation. And if you go to the federal funding portion.

MEMBER CRIVELLO: Can you –

MEMBER SPENCE: Which page?

MEMBER CRIVELLO: --give the headings, please –

MS. SHEPPARD: Yeah.

MEMBER CRIVELLO: --what page?

MS. SHEPPARD: Sorry. I'm looking at yours and mine. So I want to make sure we get to the same place. Yeah, page 6, item E, Federal Funding, if you look under the Functional Responsibilities, it refers to an Exhibit "A", which the previous version didn't have. Exhibit "A" is that funds distribution other handout that was on the top of your pile. If you want to turn to that for just a moment, the old version had a different heading, the new version just says, Agreement. The heading doesn't make any difference, that was just the version I got was the one that said, Agreement. It didn't say, MPO Funds Distribution. Yeah.

CHAIR GOODE: That's this one?

MS. SHEPPARD: Yeah.

CHAIR GOODE: So this --

MS. SHEPPARD: Looking at the one that just says, Agreement.

CHAIR GOODE: --one basically...

MS. SHEPPARD: That's the update.

CHAIR GOODE: Yeah.

MS. SHEPPARD: And then, if you look at the signature boxes on that agreement, the change there is that instead of calling it the Committee Chair for the MPO Policy Board, it says, Board Chair. Oahu Policy Board Chair not Committee Chair. And then down, for the approvals for as to form and as to form and legality, there is no Oahu MPO attorney general assigned. They use the HDOT attorney general; so we removed that one signature block for Oahu MPO. So other than that that agreement doesn't change.

CHAIR GOODE: Okay.

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MS. SHEPPARD: But I do think that it might be appropriate to put it in as an exhibit to the administrative agreement where it's referenced there. You want to remove that, that's up to you guys, but that...the major change. And because we referenced it in that Federal Funding - FTA, it's also in the next section, next page, 7, F, Federal Funding - FHWA. We, again, referred to that exhibit. So that's pretty much the major change from what you saw before in the Administrative Agreement. Some of the language in the contracting section was polished up a little bit to make it more appropriate.

CHAIR GOODE: Okay.

MS. SHEPPARD: Substantively, very few changes.

CHAIR GOODE: Okay. Thank you, Ms. Sheppard. Okay, Members, so given that, to describe some of the nonsubstantive cleanups and then the one somewhat substantive change to incorporate the Exhibit "A" being the fund-sharing agreement. Do the Members have any particular questions on anything related to this administrative agreement?

MEMBER FUCHIGAMI: Chair?

CHAIR GOODE: Yeah. Mr. Fuchigami?

MEMBER FUCHIGAMI: Can you go over the finance on page 3? I'm sorry, you kind of ran through that real quick. So what change was there?

MS. SHEPPARD: Okay. On page 3, I don't think there were changes.

MEMBER FUCHIGAMI: You mentioned finance.

MS. SHEPPARD: No, that was on the page 6 and 7 where we added the Exhibit "A"; otherwise, substantively, we didn't change anything in the finance section.

MEMBER FUCHIGAMI: So on page 6 and 7 you're just talking about the federal funding. You're not making any reference to any...the finance...

MS. SHEPPARD: No, I'm...no.

MEMBER FUCHIGAMI: Okay.

MS. SHEPPARD: This is just the Administrative Supplemental Agreement. I haven't looked...we haven't gone through the Finance Agreement yet.

MEMBER FUCHIGAMI: Oh, no, I was talking about if you take a look at page 3, we have a finance category.

MS. SHEPPARD: Yeah.

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MEMBER FUCHIGAMI: So there's nothing that changes in there?

MS. SHEPPARD: No. Other than, we took out the small urban zone metropolitan planning –

MEMBER FUCHIGAMI: Right.

MS. SHEPPARD: --part.

MEMBER FUCHIGAMI: Okay. Thank you.

CHAIR GOODE: Okay. Mr. Couch?

VICE-CHAIR COUCH: I guess I'm going to have to make a formal request. I totally disagree with this whole agreement. It is similar to what the OMPO has as far as how they're dealing with theirs, and they want to split right now; so we're going into the same mess that both the State DOT and OMPO want to get out of. So I've done some basic research and gotten some other agreements that other MPOs do with their, what they call, lead agency. It's my opinion that this MPO should be an independent body not under anybody and contract with the County for services: IT, administrative support, and attorney support. I have some stuff being printed up now, some sample agreements; but I would like to have Corp. Counsel take a look at some of them and see if there's something else we can come up with. Otherwise, we're going to be in the same situation that OMPO's in and it's not a pretty site. And I'd rather we start out strong as opposed to from a position of weakness. For instances, page 3, County Funds, MPO...the Maui MPO will submit a grant application to the Maui Department of Transportation. No, we don't want grants, we don't want to have to do that whole process. We have an executive director...we're going to have an executive director and maybe one staff for now. And have them start doing grants unnecessarily I think is a waste of time. So I'm strongly opposed to this agreement, and I guess the request is, is we can have Corporation Counsel take a look at several other alternatives so that we can be independent and contract to the County for services; that would be my request.

CHAIR GOODE: Okay.

VICE-CHAIR COUCH: I don't know. Do we need a motion or anything?

CHAIR GOODE: I think what might be appropriate is maybe, since you have strong feelings, maybe everybody to kind of chime in a little bit. But maybe you need a little more background. First thing I'd like to ask Corp. Counsel is, is the term on this agreement. So this agreement, what I read, is a three-year term. But it does also say that either party could cancel I guess with 180 days' notice, perhaps. And I'm not sure what the cancellation provisions are. But the reason I'm asking is, you know, depending on where this body goes that if the body is...it doesn't agree and would like to move it forward, but is interested in your idea, there might be a way to turn that over, given the...these term provisions. So, Corp. Counsel, could you help us with the term provision? I know I saw it.

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MS. SHEPPARD: Okay. It's on page 11.

CHAIR GOODE: Eleven.

MS. SHEPPARD: Item K, Duration and Termination. It's basically what was in the draft provisions. There was no modification by this cleanup of the document. That's what was initially written, so that's what's still captured here.

CHAIR GOODE: So it's a three-year term.

MS. SHEPPARD: Yes.

CHAIR GOODE: So we'd have to renew it after three years. And there's a termination provision.

MS. SHEPPARD: Yes.

CHAIR GOODE: So either party may terminate the agreement for convenience at any time on no less than 180 days prior written notice to the other part. Does that mean that if we were to...say we were to adopt this, that we could then work on a revised agreement, a new agreement, and essentially adopt that one? I guess when it's ready and using this termination provision, we could do it before the three-year term is up?

MS. SHEPPARD: You could do that, you could build into this that it's only good for one year and it has to be revised, you could say this is a temporary measure. I mean it's up to you -

CHAIR GOODE: I see.

MS. SHEPPARD: --how you want to structure the term, because the term is not written in stone. This is just the document that was taken from Oahu's, turn into our document, and then modified to clean up the formats.

CHAIR GOODE: Okay.

MEMBER MEDEIROS: I guess the question I would have is, you know...

VICE-CHAIR COUCH: So they can hear.

MEMBER MEDEIROS: Sorry, sorry.

CHAIR GOODE: I'm sorry. Mr. Medeiros?

MEMBER MEDEIROS: The question I would have is, I understand what Member Couch is talking about. I don't really have a problem with that. If we...since we're so early, we don't have an executive director at this point. Do we really...is it necessary for us to

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vote on this and move this forward at this meeting, or could Don provide that information and take a look at it with Corp. Counsel and then we have it at...have discussion at another meeting? And hopefully, at some point in the near future, we'll have an executive director that would be involved with it. 'Cause they're the ones who's going to have to live, you know...actually make it work. So I guess the question is, do we...can we hold off until we get...or should we push this through?

CHAIR GOODE: I think...

MEMBER MEDEIROS: I don't see the urgency.

CHAIR GOODE: And to try to get as much information here so we can make a good decision, and maybe we could ask Ms. Fischer, you know, Mr. Gibson here. We...my understanding is that we need to move some of these agreements forward, including the comprehensive agreement and getting that fully executed, so that we can get all the funding. So if this particular subagreement, the administrative one, is not executed, is that going to hold up funding? And I think you need to come to the podium and reply.

MS. FISCHER: Morning, hi. Liz Fischer of USDOT Federal Highway. It's in your best interest to have subagreements. Quite honestly, Oahu MPO did not have them for many years until recently, and it was one of...it's part of the reason there were challenges. And you're quite on point that there are and have been challenges. The good news is I think they're getting better. These just...ultimately—I was actually discussing with Director Fuchigami in advance of this meeting—is you just have to document somewhere, somehow what you are doing in the interim or for the long-term what it is so that something happens to any of us, we know what that agreement was in the conversation. Mr. Medeiros and his staff are being gracious to offer their services. Again, because this is...it's a learning curve, it's an upswing, there's a lot of stuff that has to get done, and we've been working on this for almost three years now to see...to get to this point here today. So having the capacity to use this assistance until we get to your vision, for example. What is that interim and what makes sense for you guys here on Maui but still keeping in line with...yeah, you've got to document what verbal agreements you have, what written agreements, whatever it is. You have to document what it is that HDOT, MDOT are coming together to do on behalf of Maui MPO for financial, staffing, technical resources, what have you. That just has...whether or not you have a subagreement now for administration is one thing, the fact is, you're going to have to document what those agreements are so that we're satisfied. And, again, if it's just a three-pager thing, this is what we're going to do in the interim, that's your thing. It's as long as it's documented that this is what you're doing so that you get from where we are now to the ultimate goal.

CHAIR GOODE: Okay. So it sounds like then...because this agreement is really then between the MPO and the County.

MS. FISCHER: Correct.

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CHAIR GOODE: It's not...State's not a party, Federal Government's not a party. It doesn't sound like it's going to hold up the rest of the funding.

MS. FISCHER: No.

CHAIR GOODE: It's really how we just handle this internal business until we can get a little farther along.

MS. FISCHER: Correct.

CHAIR GOODE: Okay.

MS. FISCHER: And that's why it's taken three years to get to this point, I guess. Well, and quite honestly, for those who don't know, this is the first new MPO in Hawaii in two professional generations and there is no one in the state who's ever started a new MPO, included me. So this has been a learning curve for every single one of us. So and, quite honestly, with the Federal statute and regulations changing, it's part of that learning curve. So you're in a much better place than you were. Keep on talking, that's the key thing. And document what you're saying.

CHAIR GOODE: Okay. Members, is there any other question of resource folks that you have related to this or individual thoughts?

VICE-CHAIR COUCH: I did have a question of Ms. Fischer.

CHAIR GOODE: I'm sorry.

VICE-CHAIR COUCH: Sorry.

MS. FISCHER: No worries, Don.

VICE-CHAIR COUCH: So you said OMPO didn't have an agreement for a number of years.

MS. FISCHER: Correct.

VICE-CHAIR COUCH: How were they able to draw down the funds? We've already done some, I mean some advertising, et cetera.

MS. FISCHER: Quite honestly, it was not as transparent as it should have been. And that's part of the problem we had was the transparency of how business was done. And having lack...there was not documentation of what those agreed processes were. And that's where Oahu ran into trouble, is there wasn't documentation between HDOT and OMPO and City and County of Honolulu on how those things happened. And we now have that documentation. You all are in a better position because of the work they had to do to decide to go with this version or things that you've seen from others. One thing that I want to make sure that you guys know is that Corp. Counsel and the appointed interim directors of the MPO, Rowena and Marc, and I have all been in

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conversation and working through these documents because you cannot work in a vacuum on this there's –

VICE-CHAIR COUCH: Right.

MS. FISCHER: --too much that you all don't know that we know to help you make this a smoother transition. So, again, get it in writing...

MEMBER SPENCE: And, Mr. Chairman?

CHAIR GOODE: Yeah, Mr. Spence?

MEMBER SPENCE: This is...part of my, part of my thoughts on this is we don't know enough about how we should be formed and the agreements that we should have in place to just blanket say, yeah, this is a good document, let's adopt it. If I'm a little bit more satisfied that we can terminate it with 180 days that once we get an executive director onboard who knows the systems and everything and we learn more the pros and cons of the different ways we can organize that we could change this. We could either edit this substantially or adopt something new if this turns out not to be the way that we want to go. I might be a little more comfortable just as having done so many other things and having to do with the County, if the title of this was Interim Administrative Supplemental Agreement. Because then it's clear that this is temporary.

MEMBER CRIVELLO: I agree.

CHAIR GOODE: Yeah, Ms. Crivello?

MEMBER CRIVELLO: I agree with the interim title or insert so that this...does that make more sense that we can come in and make changes?

MS. SHEPPARD: Yeah, we can do that.

MEMBER SPENCE: Because it's...I think it's important to get something off the ground, but I don't want to delay that at all. But, at the same time, we're...ever it's been said ten times today, we're in a learning curve.

CHAIR GOODE: Okay. Mr. Couch?

VICE-CHAIR COUCH: And I do appreciate all the comments and agree with most of them. I was intrigued by Ms. Fischer's comments saying, just a three-page saying this is what we're doing. 'Cause we already kind of have an agreement or it's a verbal agreement, I guess, that she's talking about with Office of Council Services. So we are working under something right now. If we have a little three-page until we can come up with something good whether it's with DOT or our guys. I know you have...your staff isn't as...I don't know how your workload is, theirs is pretty heavy at this point. So I'm fine either department but it's...as long as we make sure it's interim. I do have some

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heartburn about the whole grant process because that takes months. I mean the agreement will be done before this grant process is gone through potentially. I mean 'cause how many...until we get an executive director here, how many of us know how to do a grant except for Mister...maybe Mr. Medeiros. He's writing his own grant.

CHAIR GOODE: Sorry. Ms. Sheppard?

MS. SHEPPARD: I did want to point out, too, other little bullets that I moved from the MDOT responsibilities to the Maui MPO responsibilities. So if you go to page 8, if you look under the Maui MPO, bullet number 3, that used to be under MDOT; but in talking with the department they said that would be really appropriate for MPO not to do...MDOT tracking MPO's staff composition. So that was moved from MDOT to Maui MPO.

CHAIR GOODE: Okay.

MS. SHEPPARD: And then if you look again at page 10, a similar bullet, which is under the Maui MPO as bullet number 5, that was moved from MDOT to Maui MPO. Again, it's talking about MPO projects and the details of the MPO projects. It would be more appropriate for MPO to manage that than for MDOT. And that was the department's input to me; so I did make those shifts.

CHAIR GOODE: Okay. I think it might be a good time to ask Mr. Medeiros, since actually the agreement's mostly your agency and your agency is, you know, assisting us greatly. And just so everyone's aware, I think Mr. Takamori's on vacation, right, so he's not able to attend. He spent a tremendous amount of time, along with Rowena Dagdag-Andaya, my Deputy Director, on this. So from your perspective, Mr. Medeiros, as far as, you know, the concerns Mr. Couch has raised about the grant process, do you see the capability with your staff to assist the MPO in not making this a overly time-consuming process if we go with this as an interim process?

MEMBER MEDEIROS: At this juncture, we're sort of two feet—thank you, Don—at this juncture, we're two feet into it and working with you. Remember, I have a whole department of six people. I understand what Member Couch is talking about and I agree with him. If we can come up with something else, I think that would be great. At this point, I think we have...I think Will's idea of an interim is great. I'd like to see what Couch comes out with and then...and see what kind of comments Corp. Counsel has, and then we'll have something to balance this off with and then go from there. I don't...hearing what Ms. Fischer just talked, it doesn't sound like this is...if we don't do it we can't move forward, you know, today. You know, you scheduled meetings for every month so we can do this in a timely manner. So I think today is maybe a little too early, and I don't know if you want a motion or whatever but I'd like to see what else comes up and then we can take a look at that ahead of time of a meeting and then balance it out and have a little more knowledgeable discussion of this whole thing before we move forward. So we could...we build a building on concrete not...

CHAIR GOODE: Okay. Mr. Couch?

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VICE-CHAIR COUCH: And one other thing, too, to keep in mind, too, normally it's with the MPO and the Department of Transportation of each entity that's involved; however, our Department of Transportation has no say over the roads, your department has say over the roads. So I think your department needs to be involved in this somehow as well. Just because they say, Department of Transportation, the way we've got it split up right now, more of the stuff is going to go through you. His is going to be certainly for the bus and mass transit kind of things and yours is for roads. And...

CHAIR GOODE: Well now I get a chance to talk I guess. Really, I mean look, the purpose of this agreement is more on the administrative side. It's not about projects or who has more money or this or that. It's really about, hey, where does the money flow, how do things get put in the right buckets and distributed back out, and kind of who signs what papers, right. So it's not...it's not...I don't think we need to be involved. Obviously we have a lot larger department in terms of number of people than Mr. Medeiros'. But ultimately I'm concerned that we...if we continue to operate in a vacuum then we're kind of working on some kind of verbal agreement with Council Services. And really, I mean they've really stepped up here to help out and they...and we should be very thankful of that, but on the other hand, we need to start doing some things ourselves. So I mean I can understand pushing this off to another meeting, our next meeting; but I think, in the meantime, certain Members, to the degree we're allowed to meet, Mr. Kushi...yourself, Mr. Couch, Mr. Medeiros, and myself. I assume, Ford, you don't even want to get involved in this. Okay. You know, we could work on something so that when we do come to the next meeting, we're totally prepared and we have something we can discuss and move forward with. Because I think, you know, in fairness to Council Services, we need to do a handoff of some sort, if it's not going to hold up our funding, that might be the best way to do it.

VICE-CHAIR COUCH: And I have some samples coming, they're...the copies are being made now. So we can at least...

CHAIR GOODE: Yeah, we'll set up a meeting.

VICE-CHAIR COUCH: Yeah, thanks.

CHAIR GOODE: I don't...any other thoughts from...

MEMBER CRIVELLO: Well so is it important for us to at least have whether it's three pages or what have you, an interim agreement. So if we decide to hire an E.D. sooner than later then it has something to work out of or from. And instead of waiting a whole month. And then we can come back with something more definitive when after you folks...

VICE-CHAIR COUCH: And that's my concern, too, is if we hire the E.D. and we're under this thing, then all of a sudden that E.D. is a County employee, right. It becomes a County employee according to this. How easy is it to change that?

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MEMBER CRIVELLO: Yeah. And then you won't be able to hire unless you go through the whole process.

VICE-CHAIR COUCH: Well, no, it's not civil...fortunately, they're exempt from civil service, so we're okay on that. But once we get them into the County payroll system, maybe for one or two months then we have the other agreement. See that's some of my concerns, once the County gets their paws in there—no offense to any of the departments there, you guys are doing a great job—it's just that when...I'm trying to prevent that.

CHAIR GOODE: Right.

VICE-CHAIR COUCH: That's something I don't know what the consequences are: County employee getting a County paycheck or two or three months and then all of a sudden, boom, we're going into a different payroll service and being paid by a different group. That...where are we on that, what happens there? I don't know, maybe that's a Corporation Counsel question.

MEMBER CRIVELLO: Or can we be sort of kind of organizational structure that OCS has, they get paid by the County but they're not civil service employees.

VICE-CHAIR COUCH: Right.

CHAIR GOODE: Well, I think we have more questions than we have answers. And I know we do have an agenda item regarding the executive director hiring process. And so there's nothing we can do at this...we'll discuss...I mean there's nothing we can do at this meeting as far as hiring. The next...the very earliest would be the next meeting. So and that would then resolve some kind of contract negotiation and everything else. So we're probably at least a couple meetings out before there's an executive director, which means this issue related to this Administrative Supplemental Agreement or interim agreement is really something we should be...I think at the next meeting it should...we should...it has to be dealt with. So I think as far as another agreement to look at, Mr. Couch, we're going to need something before the next meeting.

VICE-CHAIR COUCH: You have them in your possession as we speak.

CHAIR GOODE: But I have samples from other folks, right.

VICE-CHAIR COUCH: Oh, you mean the actual...

CHAIR GOODE: These are samples.

VICE-CHAIR COUCH: Yeah.

CHAIR GOODE: Yeah, I mean we need something we can work with. So...is that the kind of the consensus?

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MEMBER CRIVELLO: Yeah.

CHAIR GOODE: Is that...so we would defer this item?

MEMBER MEDEIROS: Yeah, I think we should.

VICE-CHAIR COUCH: I think we should.

CHAIR GOODE: Okay.

VICE-CHAIR COUCH: And I'd be happy to work with Mr. Medeiros and Mister...

CHAIR GOODE: Myself.

VICE-CHAIR COUCH: Huh?

CHAIR GOODE: I think the three of us and then maybe Mister...

VICE-CHAIR COUCH: I don't know that the three of us can work together unless we form another TIG.

CHAIR GOODE: We have to do a TIG? So it's two? Okay. Well maybe Mr. Takamori could be involved.

VICE-CHAIR COUCH: Yeah.

MEMBER MEDEIROS: Yeah.

VICE-CHAIR COUCH: Mr. Takamori and Mr. Medeiros.

MEMBER MEDEIROS: Let's do that.

CHAIR GOODE: Okay.

MEMBER MEDEIROS: Marc's the guy that's done all the research --

VICE-CHAIR COUCH: Yeah, yeah.

MEMBER MEDEIROS: --the last few years so he's most knowledgeable.

CHAIR GOODE: Well how about Mr. Takamori; Mr. Couch; and myself, as the Chair.

MEMBER MEDEIROS: That's great. 'Cause then Marc is...

CHAIR GOODE: Okay. He's not here, we can recruit him. Okay. So, without objections, we'll defer this item.

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MEMBERS: No objections.

ACTION: DEFER pending further discussion.

CHAIR GOODE: Okay. Let's see if we can get some momentum on the second item here. What happened to my agenda?

AGENDA ITEM IV.a.ii. OLD BUSINESS; Review, discussion, and approval of financial agreement

CHAIR GOODE: Okay. So next is the financial agreement. The financial agreement serves as a interagency agreement for the payment of member matching funds by the State and the County to provide local financial support deemed necessary for the function of the MPO to carry out the 3-C Planning Process consistent with the terms of the Comprehensive Agreement. So, Ms. Sheppard, could you tell us any changes from the last version we had?

MS. SHEPPARD: Yes. A few of the changes include the dating of this document. It's made to look parallel to the way the administrative agreement was. The original draft said that it was going to become effective July 1st, I'm not sure why that was...oh, I'm sorry.

CHAIR GOODE: Is this the right one? I just want to make sure we're all...

MS. SHEPPARD: No, we're looking at the Finance Supplemental Agreement that was the next on the agenda.

CHAIR GOODE: Okay, yeah. This?

MS. SHEPPARD: Yeah.

CHAIR GOODE: Got it, okay.

MS. SHEPPARD: Okay. So the dating of the document looks the same as the Administrative Supplemental Agreement. There's no presumption that it's going to become effective July 1st, which was what was in the draft. I think what I found out was that the draft came that way because it was copied from Oahu MPO and that's when they adopted theirs or what they were expecting or something. And then if you look down to the fourth whereas clause, the original draft also presumed that the comprehensive agreement was effective July 1, 2016. We don't know that yet so I just blanked it, there's a space there instead. Again, we took out the UZA abbreviation that didn't really add anything to the document, it was very distracting. If we look at...

VICE-CHAIR COUCH: I'm sorry. You said you took it out?

MS. SHEPPARD: Yes, I think I did.

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VICE-CHAIR COUCH: 'Cause I have it in the fifth whereas.

MS. SHEPPARD: Oh, okay. I would take out the small UZA. I guess I left it there in case you wanted it there, but I don't see any benefit of it. And then on Section E where we talked about the Unified Planning Work Program, I did put in the abbreviation UPWP which seems to be an acronym frequently used by everybody. In section H, the effective date and term was modified because again it presumed a July 1st implementation and that's not definite, so that was changed. In the miscellaneous section, the notices, that was very abbreviated in the draft. I made it parallel to what the Administrative Supplemental Agreement said. I added "of Transportation" to the Director for the County of Maui Department of Transportation I added in that second line, "Attention: Director of Transportation." The rest of the miscellaneous terms: the Force Majeure matches with the Administrative Supplemental Agreement and, again, the contracting language was cleaned up a little bit. Where it says, construction, they had, in both, the admin. supp. and the financial supp., they had this Latin term, which I don't practice in Latin. So even though it's cool for lawyers to have Latin, it doesn't help the regular people in the world.

CHAIR GOODE: Thank you.

MS. SHEPPARD: So I eliminated that. If you really like Latin and you want it back, that's up to you folks. Again, I attached to this the financial distribution of funds agreement but I didn't know where you might want it plugged into the body of the document to refer to. I don't know if you want it there, if you don't want it there; but, to me, when you have the financial distribution of funds agreement, it should be made part of this agreement. But I'm not exactly sure where you wanted to fit that reference in. We do have a general clause that says, anything mentioned or attached hereto is incorporated herein; but I think you would probably want to specifically reference that. So I leave that to you to decide where you want it. My recommendation might be on page 4 at the top which is right under section F, Federal Participation and Use of Federal Funds. Where we talk about use of federal funds, that might be a good place to plug in the reference to the exhibit, but if you can make a recommendation on that, I could fix that. And, again, if you wanted this to be interim, you can make it interim, you can make it temporary, you can change the term, it's whatever you decide.

CHAIR GOODE: Okay.

MS. SHEPPARD: And the term on this one is on page 4, paragraph H.

CHAIR GOODE: Right, it's a three-year term.

MS. SHEPPARD: Yeah.

CHAIR GOODE: Okay.

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VICE-CHAIR COUCH: But there's...I noticed there's no termination clause in there. Would be nice to have one in there in case we decide, okay, we're going to go a different route, we can terminate. So is it possible we can get a termination clause in there similar to the one that's in the Administrative Supplemental Agreement?

MS. SHEPPARD: Can do.

CHAIR GOODE: Okay. And, Members, any other thoughts on this one? You've heard the changes and also the discussion about adding the Exhibit "A", the distribution...funds distribution agreement portion and also this...adding a termination clause similar to the previous draft we looked at.

VICE-CHAIR COUCH: Yeah, Mr. Chair?

CHAIR GOODE: Yes, Mr. Couch?

VICE-CHAIR COUCH: What is the...on page 4, I—I'm sorry—J, comprehensive agreement, which one is that?

MS. SHEPPARD: That's the one that's still pending. I guess we should also have that, the date there spaced out because that's the one –

VICE-CHAIR COUCH: Okay.

MS. SHEPPARD: --that's still pending the Governor's signature –

CHAIR GOODE: Right.

MS. SHEPPARD: --so that would be a correction.

CHAIR GOODE: Right. So, yeah, the comprehensive agreement's actually in our agenda and for status. But comprehensive agreement was the agreement between us and DOT—HWA in there, too? No, just us—it basically sets out the whole framework for which how everything kind of everything works. What...setting up the MPO, the Policy Board and what it does. And that was agreed to by the Council; so there's an ordinance authorizing the Mayor to execute that agreement. I believe the Mayor's executed it. It's probably at DOT; so we'll get a status of that. So with the comprehensive agreement, then the subagreements, that really is our overall framework. And this financial agreement...just further background for the audience, basically, so as you know going forward here, this organization is 80 percent federally funded through these planning-type funds. The remaining 20 percent is split 50-50, 10 percent each, State and County. And subject, obviously, to appropriations, right, we can't guarantee that the appropriations will be made and released. Though, thankfully, they generally are. But this is the...that's the general financial framework that this agreement sets forth. So are there any other comments from the Members? Okay. So what we have...well, I guess, one comment or question I have, so that Ms. Sheppard brought up that the Exhibit "A" is a reference. Might be best in paragraph number 2 on page 4

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where it talks about use of federal funds. Any objections to having her insert it appropriately there?

MEMBERS: No objections.

CHAIR GOODE: Okay. We'll do that. A couple other nonsubstantive changes like removing the small UZA term and in J, Disputes, getting rid of the July 1 effective date, and the other one was –

VICE-CHAIR COUCH: Adding a termination clause.

CHAIR GOODE: --adding a termination clause. So I guess what I would like to suggest is that if this overall subagreement is okay with you folks, can we have a motion and then allow the Chair to work with Corporation Counsel on any nonsubstantive changes so that the agreement could move forward? And if there is substantive changes, we would not move it forward and we'd come back to this board in a subsequent meeting.

MEMBER CRIVELLO: So move, Chair.

CHAIR GOODE: Okay. It's been moved by Ms. Crivello –

VICE-CHAIR COUCH: Second.

CHAIR GOODE: --and seconded by Mr. Couch. Any further discussion?

MS. SHEPPARD: I have one, I have one.

CHAIR GOODE: All in...oh, sorry. Ms. Sheppard?

MS. SHEPPARD: Did you also want this one to be interim?

VICE-CHAIR COUCH: Yes.

MEMBER CRIVELLO: Yes.

MEMBER SPENCE: Chair?

CHAIR GOODE: Any thoughts?

MEMBER CRIVELLO: Yeah.

CHAIR GOODE: Okay.

MEMBER CRIVELLO: We're learning.

CHAIR GOODE: Okay. We'll add the word "interim."

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MEMBER SPENCE: Hopefully, it's just not like interim zoning – been around since 1957.

MEMBERS: . . .*(Laughter)*. . .

MEMBER CRIVELLO: Eew, oops.

MEMBER SPENCE: Oh, sorry.

CHAIR GOODE: Interim in our timeframe's not geologic time, okay.

MEMBER SPENCE: That's our preference.

CHAIR GOODE: Alright. Any other comments? Okay. All in favor, say, "aye."

MEMBERS: Aye.

CHAIR GOODE: "Noes"? Hearing none, the motion passes. And I'll work with Corporation Counsel on completing that. Thank you.

**VOTE: AYES: Chair Goode, Vice-Chair Couch, Members
Crivello, Fuchigami, Medeiros, and Spence.**

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Member Cochran.

MOTION CARRIED.

ACTION: APPROVED.

AGENDA ITEM IV.a.iii. OLD BUSINESS; Review, discussion, and approval of funds distribution agreement

CHAIR GOODE: So our next item on the agreements is actually the funds distribution which we just discussed being an exhibit. So the funds distribution, again as a background, talks about the, you know, the State of Hawaii gets a certain amount of funding funds for planning activities as a state. And so, currently OMPO, Mr. Gibson's organization, receives all those funds; so he now needs to share. So we appreciate your understanding that we need to play in the sandbox together. And Ms. Johnson-Winer, at the time who was the head of Maui DOT, worked with OMPO on funding and a way to share, right. And so the way that it chosen was by population base of the

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metropolitan planning areas, and so...I think that's correct. Anyway, the...based on the 2010 Census, I'm just going to read it so...it's in the record. I think it's cleaner. Oahu MPO had 953,207 folks and we had 144,444. So, doing the math, OMPO would receive 86.84 percent of the available funds, and the Maui MPO would receive 13.16 percent of the available funds. And so this agreement has a longer term in that I believe it's looking at a future Census like 2021. I know sometimes those numbers come out a little later. But I think that's the idea is that population seemed the fairest way to do it and it recognizes the fact that the next Census is not due, you know, for a number of years. Is there any change, Ms. Sheppard, to this?

MS. SHEPPARD: I did not get the draft that had the heading, MPO Funds Distribution Agreement. I got the heading, Agreement. So the one I reviewed was the one with the heading, Agreement. Other than that, and the signature block, there's no change between the two documents. So whatever heading you want on that can be made. I don't know why I got the one without the MPO Funds Distribution words on it, but -

CHAIR GOODE: Okay.

MS. SHEPPARD: --they're the same agreement other than the change was the signature block and the heading is different.

CHAIR GOODE: Okay. If there's no objection to, like, maybe Mr. Gibson could at least on that point. If, OMPO, your organization's already looked at this. Is there a particular heading that's more favorable to them or any other comments related to the...I guess your policy board's position on all this?

MR. GIBSON: For the record, Brian Gibson. I am the former Executive Director of the Oahu MPO. Yeah, we...as you said, Jo Ann and I worked on this a couple of years ago. My former policy board has already approved the agreement. We were...and the State looked at it and signed off on it and so we're really just waiting for the Maui Policy Board to approve it and then we'd pass it around for signatures and get it in place.

CHAIR GOODE: Okay. Well, first of all, sorry I was remiss. I understood you were leaving; so I didn't know it was effective already. Is it your understanding that was there a particular version, or did it say, "agreement" on top, or did it say, "MPO sharing agreement," or "funds distribution agreement"?

MR. GIBSON: I don't think title -

CHAIR GOODE: It doesn't matter?

MR. GIBSON: --matters.

CHAIR GOODE: Okay. What we could do is, we can...we'll find out what's their...the version that's been adopted. Okay. Alright, any other questions for Mr. Gibson? Okay. Thank you. Members, any questions, comments, thoughts? Okay.

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VICE-CHAIR COUCH: We discussed it and there's not much we can do about it, and all the changes she made are good.

CHAIR GOODE: Okay.

VICE-CHAIR COUCH: So I move to approve it.

MEMBER CRIVELLO: Second.

CHAIR GOODE: Okay. It's been moved by Mr. Couch, seconded by Ms. Crivello. Any further comments? None? Hearing none, all in favor say, "aye."

MEMBERS: Aye.

CHAIR GOODE: Noes? Hearing none, the motion passes. Thank you.

VOTE: AYES: Chair Goode, Vice-Chair Couch, Members Crivello, Fuchigami, Medeiros, and Spence.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Member Cochran.

MOTION CARRIED.

ACTION: APPROVED.

AGENDA ITEM IV.a.iv. OLD BUSINESS; Review, discussion, and approval of data sharing agreement

CHAIR GOODE: We'll do one more here and then we'll take a break. Next item is data sharing agreement. And maybe, Ms. Sheppard, you could give us any changes.

MS. SHEPPARD: Yeah. If you go to the chart on page 4, the last four segments of that chart: p, q, r, and s, in the first column, there are Xs now made and there were no Xs made previously; that was per the Department of Transportation's input that Maui MPO should be responsible for those four items as well as everybody else. So I added checkmarks or Xs in those last four boxes. Does everybody see what I'm talking about?

CHAIR GOODE: Yes.

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MS. SHEPPARD: Okay. I added the abbreviation, UPWP, just before paragraph G. In that section just before paragraph G, again, there is a duration and termination segment here if you want revisions to that that can be made.

VICE-CHAIR COUCH: Where did you do your UPWP?

MS. SHEPPARD: If you go to section F, and you go to...let me make sure I'm on the same page 'cause I'm looking at a draft. If you go to the end of page 5, where it says "Termination," "Agreement Term," the second to the last sentence . . .*(inaudible)*. . . right place. Wait, maybe I took...this might be the one where I took...

MEMBER CRIVELLO: It's on page 5.

VICE-CHAIR COUCH: 5 under E, you say --

MS. SHEPPARD: Under E.

MEMBER CRIVELLO: Yeah.

MS. SHEPPARD: Alright.

VICE-CHAIR COUCH: --Unified Planning Work Program, is that the one?

MS. SHEPPARD: I think there was a...yes. Because, you know what, we...one the draft, they skipped paragraph E. We have an E now. Sorry about that. So, yes, under E where it says, Unified Planning Work Program, there should be a UPWP there. I guess I didn't make that. I had it noted that I didn't put it in. Okay. So then we have an agreement term instead of a duration and termination, we put "agreement term." I could change that back to duration and termination; we could modify that if you'd like. I just took the very same information that was in the draft I had and kept it there. Again, in the miscellaneous, all the notices are very consistent with the other two supplemental agreements. Force majeure, the construction, all of those are consistent with the other agreements. And I think that's the summary.

CHAIR GOODE: Okay.

VICE-CHAIR COUCH: Mr. Chair, this is just so that we all can share...I mean the MPO can share data with the State and the County, different departments; and all the departments agree to that? Is that...

CHAIR GOODE: That's correct. And it includes other folks like DBEDT, yeah, and—who else was sitting here?—oh, the Office of State Planning. So it's a lot...there's a lot more folks involved. The basic idea is that we need information to make good decisions, right, and so that information is oftentimes housed in a lot of different agencies. So let's agree that all the agencies can sign on to this. It's important. And whether or not you want to call it an interim again. I'm not sure the status of other agencies. I see Mr. Gibson approaching.

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MR. GIBSON: I'm sorry, just one point of clarification.

CHAIR GOODE: Go ahead.

MR. GIBSON: The...because of the performance-based planning requirement now in federal law, we developed this agreement not so much so that we...the MPO could share data with the other agencies, it's so that they would share their data with us --

CHAIR GOODE: Yes.

MR. GIBSON: --which would then inform the decision-making process for transportation projects.

VICE-CHAIR COUCH: And, Mr. Chair, it kind of looks like that no matter how we structure ourselves with the administrative agreement, that this would work...I mean it doesn't matter how we structure ourselves that this one's okay to go as is.

CHAIR GOODE: Yeah.

VICE-CHAIR COUCH: I think. If I could just get that confirmed by the lawyers in the room.

MS. SHEPPARD: Yeah, I don't see any hang-ups with this.

VICE-CHAIR COUCH: Yeah, I don't see any, yeah.

MS. SHEPPARD: It's just basically an agreement. If everybody signs off, then it's an agreement. If nobody wants it, and we want modifications, then we can go back to the drawing board.

VICE-CHAIR COUCH: Okay. So I move to approve that one, Chair.

MEMBER CRIVELLO: Second.

CHAIR GOODE: Okay. It's been moved and seconded by Mr. Couch and Ms. Crivello. Is there any other comments, thoughts, concerns, Members? Hearing none, all in favor say, "aye."

MEMBERS: Aye.

CHAIR GOODE: "Noes"? Okay. Hearing none, the motion passes.

**VOTE: AYES: Chair Goode, Vice-Chair Couch, Members
Crivello, Fuchigami, Medeiros, and Spence.**

NOES: None.

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ABSTAIN: None.

ABSENT: None.

EXC.: Member Cochran.

MOTION CARRIED.

ACTION: APPROVED.

CHAIR GOODE: And, again, I'll work with Corp. Counsel on any changes. And just for myself, I'd like to see on page 4 where the table continues, is to move the headers over again so that we can...we know what the columns are referring to.

MS. SHEPPARD: And did this one need to be interim or is this one set?

MEMBER CRIVELLO: I think it's set.

VICE-CHAIR COUCH: This one's set.

CHAIR GOODE: I think it's set. And I think with also all the other agencies that we're asking for to help with. I think by putting the word interim there, it's going to ask...we're going to generate more questions. So looks like we're okay.

MEMBER SPENCE: I agree.

CHAIR GOODE: Okay. Great. Okay. How about we take a break? We've been at it or an hour and twenty minutes. We'll come back at 10:30. Okay. We're in recess. . . .(gavel) . . .

RECESS: 10:20 a.m.

RECONVENE: 10:32 a.m.

CHAIR GOODE: . . .(gavel) . . . Okay. The Maui MPO is back in session. And the next item on our agenda is the Findings and Recommendations of the Temporary Investigative Group on the Hiring of the Executive Director. And, Members, what I'd like to do is push this to the end of the agenda. There's a high likelihood we will go into executive session; and, that way, any members of the public that we got to...we have to clear the room, we'll just do it at the end of the meeting. Is that acceptable?

MEMBERS: No objections.

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AGENDA ITEM V.a. NEW BUSINESS, Comprehensive Agreement Status Update

CHAIR GOODE: Okay. Alright. So next up is new business, Comprehensive Agreement Status Update. And my understanding from the last...we understood that it was with DOT. So maybe, Mr. Fuchigami, you could give us an update?

MEMBER FUCHIGAMI: Yes, Chair. The agreement actually came across my desk, everybody signed it. I had some questions on it as far as some legal issues, sent it up to the AG's Office, they made some clarifications. So the comprehensive agreement is back with us. We got it either Thursday or Friday of last week. The memo to the Governor explaining what the comprehensive agreement is, for him to sign, is actually being prepared. We should get it to him this week.

CHAIR GOODE: Great. And any estimated turnaround, how long it takes to get things back out of the Governor's Office?

MEMBER FUCHIGAMI: Well, he uses e-signature so things come out pretty quickly from him.

CHAIR GOODE: Oh, super.

MEMBER FUCHIGAMI: But I guess, this document, I can actually walk it up.

CHAIR GOODE: Okay. Great. Okay. Well hopefully by our...

MEMBER FUCHIGAMI: Hopefully by the end of this week.

CHAIR GOODE: Okay. By the end of the week would be fabulous, and, you know, certainly in advance of our next meeting. That'd be great, too –

MEMBER FUCHIGAMI: Oh definitely before the next meeting.

CHAIR GOODE: --so please forward it on when you get it. Okay. That's good news. Any...Members, questions regarding that? Okay.

AGENDA ITEM V.b. NEW BUSINESS, Review and discussion of the Unified Plan Work Program (UPWP)

CHAIR GOODE: Next on New Business was Review and discussion of the Unified Plan Work Program, the UPWP. I'm not exactly positive what items we had to discuss. We looked at this in detail I think last meeting in terms...it's basically a budget at this point. I guess I need some help. Staff, any...unfortunately Mr. Takemori's not here, who put this together. Is staff aware of any items regarding this? Or it's just an item that's kind of on our agenda.

VICE-CHAIR COUCH: Ultimately we have to do something.

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CHAIR GOODE: Do we need to adopt it in any way? Ms. Fischer?

MS. FISCHER: This is where some questions that you all have been asking on budget and how you move money forward. This is a really key document that USDOT Federal Highway, Federal Transit Administration jointly approve. And HDOT portion and County's portion to match the federal dollars or however you guys are working the finances for right now, this is the document that we got to have for any grant...federal grant funds, either the 5303 from FTA or the Federal Highway PL Funds. That's the document you got to have and we have to have approved before any money gets spent.

CHAIR GOODE: Okay.

MS. FISCHER: So and I've not seen any drafts of anything. And I respectfully request, Mr. Chair, that staff be much more diligent in sharing information with Federal Highway and Federal Transit so that we can help you be successful; that we are your technical advisors, we don't charge you, we help you. We want to make things successful for you, but we can't help if we haven't seen anything.

CHAIR GOODE: Okay.

MS. FISCHER: So that's really, really important to bring a point to this body to make sure we get what we need to see so that you also can see and see something that's closer to final document for your more expeditious approvals.

CHAIR GOODE: Okay. So to summarize then, you'd like to have...you folks, I guess, need to look at it in advance, make sure it's going to be okay; and then we need to adopt it...approve it, I guess. Approve it, okay. Alright. And since we don't have one in our packet to look at...I believe there was a one in a previous meeting. Maybe what's appropriate then is that we make sure this is an item for approval on our next agenda. That sound okay?

MEMBERS: Yes.

CHAIR GOODE: And then Mr. Takamori comes back, he put any finishing touches on it. If he needs this...I mean get...make sure you get a copy. I thought that was already happening.

VICE-CHAIR COUCH: Make sure, yeah, we all get a copy.

MEMBER SPENCE: Yeah, and make sure...

CHAIR GOODE: Yeah, there'll be one in our packet. That there will be one in our packet, right --

MEMBER CRIVELLO: Yeah.

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MEMBER SPENCE: Okay. Yeah.

CHAIR GOODE: --be the way to do it. Alright.

VICE-CHAIR COUCH: But I mean beforehand. As soon as...before...at all possible.

MEMBER SPENCE: As soon as it's available.

CHAIR GOODE: Okay. You'd like it as soon as it's available.

VICE-CHAIR COUCH: Yeah.

CHAIR GOODE: Alright. We'll do that.

MEMBER MEDEIROS: Probably next week, middle of next week.

MEMBER SPENCE: Okay. Great.

CHAIR GOODE: Okay. Alright. Anything else on that item? Okay.

ACTION: DEFER pending further discussion.

AGENDA ITEM V.c. NEW BUSINESS, Review and discussion of Proposed Policy Board Bylaws or Administrative Rules

CHAIR GOODE: Next up is Review and Discussion of Proposed Policy Board Bylaws or Administrative Rules. This is, again, another document internal to this particular body and how it operates. And I think Mr. Kushi is going to give us some overview of status.

MR. KUSHI: Got the handout that they were supposed to issue to you this morning. There's a draft with color-coded, you all got that, in red and blue?

MEMBERS: No.

MEMBER CRIVELLO: Just have what's in the folder for me.

MR. KUSHI: Can I see a copy of what you have today?

VICE-CHAIR COUCH: We don't have any.

MR. KUSHI: Policy Board bylaws, they weren't distributed to you? Okay, well...

CHAIR GOODE: There was one distributed at the previous meeting.

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VICE-CHAIR COUCH: But he's talking about a color-coded...

CHAIR GOODE: Yeah, I know. I'm just...just saying that's what we have.

MR. KUSHI: Okay. Well, I guess we don't have time to go over all the changes. But just let me say this, my office, myself, and Jerri Sheppard have been working with Ms. Fischer—Liz, right?—as well as Marc, when we can get a hold of him. I've reviewed that draft of the Policy Board bylaws; and, in my mind, they looked okay from the latest draft. However, I got something from...I guess it's from Ms. Fischer's office regarding some comments. I need to review that. I thought they have enough...that this Board had copies of that to take a look at it.

MEMBER MEDEIROS: It's in the binder.

MR. KUSHI: It's in the binders?

VICE-CHAIR COUCH: His marked up...he's got a marked-up copy with blue with comments. I haven't seen that anywhere.

MEMBER MEDEIROS: Okay.

MR. KUSHI: Hold on, Mr. Chair. If it's in the binders, then maybe we can...

VICE-CHAIR COUCH: It's not.

MEMBER CRIVELLO: No, that's not.

MEMBER MEDEIROS: I don't know...the marked-up one isn't, but there is something in there that...that's the one that was handed out on the 4th, the last meeting.

VICE-CHAIR COUCH: Yeah.

MR. KUSHI: That being the case, Mr. Chair, these bylaws as well as the proposed bylaws for the TAC, Technical Advisory Committee, I recommend that you defer to the next meeting; and we can get a complete draft and present it to you. There was one issue, and since she's here, she had recommended that the...or they had recommended that on both the Policy Board as well as the TAC Committee that a non-voting member from their office be on board. I see no problem with that. In fact, I think you need that...this kind of expertise. However, for the Policy Board, the makeup of the membership was governed by the ordinance and it didn't provide for a non-voting member so it might be a problem.

MS. FISCHER: It's all a work in progress.

MR. KUSHI: Right, right, right. But, you know, I'm sure they will invite you and hopefully pay your way for all of our meetings, so...but, again, that's up to the new Executive Director, right.

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MS. FISCHER: No, it's up to you, the Policy Board.

CHAIR GOODE: Yeah, I think as it relates to that comment, having hearing that is that on the Policy Board, that was basically set through the Council action, right. And you participated in those meetings and that...to me, that ship has sailed. It can be revisited, but it's going to be...it'd be difficult. The TAC portion might make more sense.

MR. KUSHI: Right.

CHAIR GOODE: And I think we have...we do have an item, right, on our agenda about the TAC. So...actually it's next...it's the next item. So we can discuss that at that time. Mr. Couch?

VICE-CHAIR COUCH: It has been helpful to have her here for...as a resource person. So we can always invite as a resource right?

MS. FISCHER: Correct.

CHAIR GOODE: Yes, and I think that'll be –

VICE-CHAIR COUCH: Yeah.

CHAIR GOODE: --that'll be going on for a long time.

VICE-CHAIR COUCH: Yeah, okay.

CHAIR GOODE: Yeah.

VICE-CHAIR COUCH: So, essentially, the same thing as a non-voting member. Just...she's here, got a seat.

CHAIR GOODE: Yeah, okay. Alright. Then I think it's appropriate that we ask that Corp. Counsel continue working on that, certainly with FHWA on the bylaws and any other, I guess, interested parties. And I guess, like the last item, to the degree we can get that as soon as possible prior to the meeting. Then the Members have time to digest it some more. But certainly, this group will need its bylaws pretty soon. And as the TAC...well, we'll talk about the TAC in a minute.

MS. FISCHER: If I may, Mr. Chair? There's one point in the General Provisions as currently drafted where a vision and mission are given, that vision and mission was for Oahu. It's one bravo is the citation. My page numbers do not agree with yours so I can't give you that.

VICE-CHAIR COUCH: Page 2.

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MS. FISCHER: Page 2? That would be something I would encourage this body to develop with the help of your future Executive Director to set that...where do you want this body to be for Maui. But know those were the words specifically for Oahu.

CHAIR GOODE: Okay. And certainly, as bylaws, it's our own internal documents; so it is something we should revisit frequently. And when we get the Executive Director up and running, it's definitely something that that individual should go through in detail and recommend changes. I would agree, the vision...we need our mission and our vision; and that's something that we want the Executive Director to spearhead. Okay. So any other comments? Okay. So we'll defer any action on these bylaws. And Corp. Counsel will continue working on them and getting us a finalized draft –

VICE-CHAIR COUCH: Correct.

CHAIR GOODE: --as soon as possible. Okay.

MEMBER SPENCE: May I request, could we get those via e-mail?

MR. KUSHI: Yes.

MEMBER SPENCE: Okay. 'Cause I'm going to be on the mainland and I'd still like to look at them before the next meeting.

MR. KUSHI: You'll get it the same time you get the agenda.

MEMBER SPENCE: Okay. Great. Thank you.

VICE-CHAIR COUCH: Mr. Chair?

CHAIR GOODE: Yes, Mr. Couch?

VICE-CHAIR COUCH: In...on page 4, D, Organizational Structure, we had some comments from I think the public and Ms. Fischer about a citizens advisory committee. And I noticed that's not in there. Is that something we want to put in the bylaws or is that something...I'm assuming we're going to want a citizens advisory committee.

MR. KUSHI: What page are you on now?

VICE-CHAIR COUCH: Page 4, D, number 2.

MEMBER CRIVELLO: I agree, we should have.

VICE-CHAIR COUCH: It's my understanding, OMPO has them and most organizations do have them as a requirement. So I'm not sure whether it's fully required, but I know it was mentioned at the last meeting.

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MS. FISCHER: If I may, the citizens advisory function is a local choice. Federal statute and regulation say that there has to be some sort of documented public participation process, public involvement process. For Oahu, as a named example, their CAC is part of that public outreach. You may choose to do something different or you may choose to follow that path. It is your choice.

CHAIR GOODE: So really, in our bylaws, question is, is that a normal...a standing committee? So...

MS. FISCHER: For Oahu, yes.

CHAIR GOODE: Right. So for our decision...

MS. FISCHER: Other people, it depends.

CHAIR GOODE: Right. So, right now, at least the previous draft we had from May, May meeting, had the TAC, the standing committee and then said other committees may be formed, you know, at the discretion of this Policy Board. And it's important that we have a public participation plan, right. So that's one of the key functions Executive Director has to be. So I think I propose is that the Executive Director would come up with that plan which is obviously going to include some kind of CAC. Does a CAC come and go, would be one question; in which case, it would be one of those that's formed from time to time, say like in a formulation of a STIP. Or is it a permanent body that they need to staff and help execute, et cetera. So I would think that would be a good ED driven recommendation and then we could address as needed in our bylaws, which we can amend any time.

VICE-CHAIR COUCH: Okay.

MR. KUSHI: Mr. Chair, couple comments.

CHAIR GOODE: Sure.

MR. KUSHI: Yeah, the proposed draft—I assume, from Liz's office—would state, the Policy Board may form additional advisory committees as deemed necessary including but not limited to a CAC, a utility advisory committee, and other committee that's needed. So in your draft, that would be the language. So in your draft, that would be the language. From a staff standpoint, you know, you have your Policy Board subject to Sunshine Law, your TAC subject to Sunshine Law, posting notices/agenda. You form any of these other committees, they'll be subject to a Sunshine Law, okay. I would suggest...well it's up to you, but don't get bogged down in Sunshine issues. And if you form a CAC, what is it going to be, one for Paia, one for Kahului, one for Lahaina, et cetera? What are you thinking about here?

CHAIR GOODE: Yeah, so there's a lot of questions, I think, the ED could help guide us on some recommendations then. And if you...a key component of the public participation

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plan. Okay. Good comments, thanks. Alright. So, again, without objections, we'll defer that to the next meeting.

MEMBERS: No objections.

CHAIR GOODE: Alrighty.

ACTION: DEFER pending further discussion.

AGENDA ITEM V.d. NEW BUSINESS, Discussion and Action to Establish the Technical Advisory Committee (TAC)

CHAIR GOODE: TAC. So next item is Discussion and Action to Establish the TAC. The TAC is the Technical Advisory Committee. And just to read it, here's where everyone's on the same page. Technical Advisory Committee is responsible for reviewing planning studies, programs and projects accomplished through the Unified Planning Work Program as well as scoring and ranking project for the Transportation Improvement Program, the TIP, and making technical recommendations to the Policy Board. In advance of the meeting, we corresponded to the agencies that are part of the Policy Board and asked for their names of the folks that they would have serve on the Technical Advisory Committee. So we did receive from Mr. Fuchigami, Mr. Medeiros, Mr. Spence, and myself. From our department, names of individuals, does I guess from a procedural standpoint, Mr. Kushi, do we need...is there a document that we would be...obviously the bylaws, I guess, mention the TAC. Does the bylaws need to come first? Can we...what kind of action can we take today? I'd like to get the TAC up and running; that would be my personal goal. What actions can we take to make that happen?

MR. KUSHI: Technically, if it's on the agenda, properly listed, you can establish a TAC now and have them set up a meeting. But their bylaws should be also approved, which you defer today. But you could establish a TAC today. The proposed members would be as proposed in the bylaws, eight members, yeah. We need clarification on that.

CHAIR GOODE: Okay.

MR. GIBSON: Mr. Chair?

CHAIR GOODE: Yeah, Mr. Gibson?

MR. GIBSON: I would only recommend that the TAC have...the bylaws define how the TAC is to operate. And, while the Board approves those bylaws, I think it's helpful and important the TAC has some say in developing bylaws.

CHAIR GOODE: Right.

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MR. GIBSON: So if it's possible, what I would recommend is, you establish the TAC and then the first order of business for them would be writing their bylaws for your approval.

CHAIR GOODE: Okay. That seems to make some sense. And just for the record, between all the agencies, we have eight folks. Let's list it on the TAC. So I think it's part of your binder, right, to have the various letters.

MS. YAP: All the way in the back.

CHAIR GOODE: In the very back.

VICE-CHAIR COUCH: Mr. Chair?

CHAIR GOODE: Yes?

VICE-CHAIR COUCH: Just out of curiosity, why eight? Usually you want to have an odd number in case there's ties in votes.

CHAIR GOODE: Well, they're recommending to the Policy Board. You know, they can...if I guess there's a dead tie, they could have two reports. But –

VICE-CHAIR COUCH: Okay.

CHAIR GOODE: --we make the call anyway.

VICE-CHAIR COUCH: Okay.

CHAIR GOODE: So I can't say exactly why. But just going through them, from MDOT, Mr. Medeiros, is appointing Darren Konno who's his Transportation Program Coordinator; and Mr. Spence has Pam Eaton and Kathleen Aoki, and both of them work in Long-Range Planning. Correct?

MEMBER SPENCE: One works in Plan Implementation.

CHAIR GOODE: Oh, Plan Implementation. Right. So you've got someone looking at the long-term overall plans and the community plans and how these tie together. And then the implementation of those plans, which is so that those are very key people in this. And then, Mr. Fuchigami, you've got...yeah, so you've got our local Maui District Engineer, Freddie Cajigal; and Ken Tatsuguchi who has their Planning Branch from the State level. And then from our department here in Public Works, our three nominees is Lesli Otani our Highways Division Chief, and that's the maintenance side. We thought it be important to get a maintenance perspective from our side. Cary Yamashita who heads our Engineering Division and implements our...the projects that we have in the STIP. And Nolly Yagin who heads our Traffic Engineering section which, you know, primarily deals with capacity-type issues and does a lot of these projects as well. So it's a good group of people that are involved in day-to-day operations. Engineering and completion of projects and in the planning side, both

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from the State and the County. So I think that's a really good group. My hope is that the TAC, you know, as they get formed...you know, we're hearing comments from the public about projects, right, and what projects are and the priorities. That's all going to go back to the TAC, right. And I also think, since we're a new body, soon to have a new Executive Director, that it's going to be important for us to get educated. Today, Ms. Shibuya just gave us a copy of the Central Maui Bike and Pedestrian Plan; that's one of the many documents that are out there as it relates to priorities. You know, some of the biggest priorities and the biggest dollars are in highways obviously; and it's important for us to understand where all those documents are. The questions that we have personally, the questions we're hearing from the public, how does that all get filtered and digested. 'Cause, ultimately, we're going to have to make decisions, right, on what projects get done. So I think getting this TAC formed is really important. And then beginning this education piece of ourselves and the TAC so that we're ready and when the next STIP comes, which is only I think a couple years away, right. So anyway that's my whole soapbox speech. And it sounds like we could, I guess, make a motion to form the TAC and have them meet and, I guess, select a chair and have them review some draft bylaws. Ms. Fischer?

MS. FISCHER: I'm noting who you have recommended, Mr. Fuchigami in particular, and this is a point of concern for this Board. When Ford has designated an alternate to attend this body, Freddie might be the logical person to sit in your seat, and you might want to...I'm just kind of flagging that little...'cause even the draft Policy Board bylaws say and as well...along with the draft TAC bylaws say that TAC person can't sit on the Policy Board as...

MEMBER FUCHIGAMI: That is correct.

MS. FISCHER: Yeah.

MEMBER FUCHIGAMI: But that being said, if I cannot attend the meeting, I would send my Deputy Ed.

MS. FISCHER: Okay. So you'd send Ed or someone like that.

MEMBER FUCHIGAMI: Or either Ed or Jade.

MS. FISCHER: Okay.

MEMBER FUCHIGAMI: Yeah.

MS. FISCHER: Okay. I just wanted to quickly flag that just to...

MEMBER FUCHIGAMI: Yeah, we're clearly aware of that basically.

MS. FISCHER: Yeah.

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MEMBER FUCHIGAMI: In light of the fact that when we did our Comprehensive Agreement and Administrative Agreement, we notated that for OMPO. That being said, two individuals here can, to be honest with you, is a co-chair for the OMPO on Oahu. He's been there for...forever. Freddie brings the light to Maui. So I think the selection of the two individuals play a very important role, so it's more important to be honest with you that they be on the TAC than they'd be representing, sitting behind this chair as what it comes down to.

MS. FISCHER: And that...

MEMBER FUCHIGAMI: Thank you for the input.

MS. FISCHER: And 'cause I totally respect Freddie's work and I don't want to denigrate. It's just to say, just in case you weren't going to be sending Ed or Jade or somebody over –

MEMBER FUCHIGAMI: Yeah.

MS. FISCHER: --just to flag it.

CHAIR GOODE: Okay.

MS. FISCHER: Thank you.

CHAIR GOODE: Okay. Mr. Kushi?

MR. KUSHI: Yeah. And, Mr. Chair, it was also brought up by Liz is, the other day, that the two members from the State DOT on the TAC should be residents of Maui.

MS. FISCHER: Well, at least one should be.

MR. KUSHI: Oh, okay.

MS. FISCHER: And then Freddie covers that.

MR. KUSHI: Okay. It's okay with you?

MS. FISCHER: Yeah. I mean Freddie's fun to work with.

CHAIR GOODE: Okay. Mr. Couch?

VICE-CHAIR COUCH: Just want to know, who's paying for his flight over? Would that be us? Because we're pretty short on money.

MEMBER FUCHIGAMI: Actually, we're going to fund it.

VICE-CHAIR COUCH: Oh.

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MEMBER FUCHIGAMI: Whenever Ken comes out here to meet with the TAC...I think the amount of dollars to spend for his airfare far exceeds the benefits that –

VICE-CHAIR COUCH: Right.

MEMBER FUCHIGAMI: --the MPO will get, so...to be honest with you, I wasn't even considering asking you guys for the funds until you brought it up, but...

VICE-CHAIR COUCH: Okay, okay.

MEMBER FUCHIGAMI: You know, at this point, yeah, don't worry about that. And, of course, Freddie's not a problem.

VICE-CHAIR COUCH: Yeah.

CHAIR GOODE: Great.

MEMBER MEDEIROS: Just...

CHAIR GOODE: Thank you. Mr. Medeiros?

MEMBER MEDEIROS: Question, so based on your comments, Liz, you have a copy of the bylaws of the TAC?

MS. FISCHER: Correct.

MEMBER MEDEIROS: So you have all...okay. I wanted to make sure you had all those documents.

MS. FISCHER: Yeah. Those I got on Thursday or Friday last week.

MEMBER MEDEIROS: And I believe I told Marc send everything to you.

MS. FISCHER: Yeah, yeah, yeah. We're working on it.

MEMBER MEDEIROS: Got it.

MS. FISCHER: It's a learning process for everybody.

MEMBER MEDEIROS: Thank you.

CHAIR GOODE: Alright.

MS. FISCHER: Let's see. There was one other thing –

CHAIR GOODE: Ms. Fischer?

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MS. FISCHER: --if I may. This has to do...and this is something we found for Oahu that had become a problem, which I think has now been rectified is specifying how chairmanship cycle through. In the past particularly for the TAC but also for the Policy Board on Oahu, it had bounced between. In the case of the Policy Board it was Council and State House. And with the addition of HART to that body then it's like, you might want to rethink to keep...break up the incestuous potential nature. For the TAC, it definitely had become quite incestuous of it was between City and County DTS and HDOT, and that was just an automatic swap. There was really no consideration of, oh, maybe we could have somebody else sit at the chair of the table. So I would encourage you to think about opening up to rotation and documenting 'cause that would be a healthy way to do business, to not just get stuck in, this is the way we've always done it. 'Cause not that it's right or wrong, it's just...it might and has the potential to cause problems. So -

CHAIR GOODE: Okay.

MS. FISCHER: --just to be aware.

CHAIR GOODE: Well that'd be a consideration for the bylaws.

MS. FISCHER: Yeah.

CHAIR GOODE: Alright. Anything else then? Okay. I guess we would then have a...ask for a motion to create the TAC with the individuals that have been appointed by the various departments and agencies.

VICE-CHAIR COUCH: So move.

CHAIR GOODE: It's been moved by Mr. Couch.

MEMBER SPENCE: Second.

CHAIR GOODE: Seconded by Mr. Spence. Any further discussion? All in favor, say, "aye."

MEMBERS: Aye.

CHAIR GOODE: "Noes"? Okay. Motion passes. The TAC is formed.

**VOTE: AYES: Chair Goode, Vice-Chair Couch, Members
Crivello, Fuchigami, Medeiros, and Spence.**

NOES: None.

ABSTAIN: None.

ABSENT: None.

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EXC.: Member Cochran.

MOTION CARRIED.

**ACTION: APPROVED 2016 members of TAC as
designated by departments and agencies.**

VICE-CHAIR COUCH: Formed and populated

CHAIR GOODE: And formed and populated. Very good, thanks.

**AGENDA ITEM V.e. NEW BUSINESS, Review and discussion of proposed Technical
Advisory Committee Bylaws or Administrative Rules.**

CHAIR GOODE: Okay. So where are we? Review and Discussion of Proposed TAC Bylaws or Administrative Rules. I think we basically covered this when we talked about bylaws previously.

ACTION: DEFER pending further discussion.

**AGENDA ITEM IV.b. OLD BUSINESS, Findings and Recommendations of Temporary
Investigative Group (TIG) on Hiring of Executive Director.**

CHAIR GOODE: So that's basically the end of our agenda so we'll go back to the Findings and Recommendations of the Temporary Investigative Group (TIG) on the Hiring of the Executive Director. And I think by way of background, the TIG, we established at our first inaugural meeting and that was Vice-Chair of this group, Mr. Couch; Ms. Crivello; and Mr. Spence. And we talked about getting as soon as possible announcements out that we were hiring for this position. We worked with Council Services in terms of finding all those different places we could advertise. We set a date of June 3rd to receive applications. This body previously had said, you know, if there's ten or more applications, I think it was, that the TIG working with Council Services would help to vet whether the minimum qualifications met would then review that. If there is less than ten, it would have come back to the Policy Board. So that's about as far as I know. When I left for vacation, I heard we were at nine applications and growing. So just I guess for starters, what was the total number of applications we received?

VICE-CHAIR COUCH: Twenty.

CHAIR GOODE: Twenty. Okay. So really glad we formed the TIG. Really appreciate Council Services doing that. So I just, again, well I guess...one final question is, out of the 20, how many were deemed meeting the minimum qualifications?

MR. RAATZ: I'd defer to the TIG members themselves.

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CHAIR GOODE: Okay.

MR. RAATZ: Actually, in fact, probably at this point, just to make sure we're compliant with Sunshine Law, you might want to turn it over to the TIG members to formally give their report and we could say that part is done.

CHAIR GOODE: Right.

MR. RAATZ: And it includes I think some of the questions that are coming up here.

CHAIR GOODE: Okay. Well good. That was my next...I wasn't sure where the handoff went to the TIG from you folks. So, with that, whoever wants to speak for the TIG, you have the floor, and give us your report.

MEMBER CRIVELLO: We have a handout.

CHAIR GOODE: Okay.

VICE-CHAIR COUCH: Pretty much have the handout here. It's pretty self-explanatory. We did a lot of discussion. And we want to thank the staff and the members. It was loads of fun. And like they said, there were 20 applications. We whittled it down to the top ten. And then, from there, we whittled it down to the top five, I believe. And then had interviews of those five.

CHAIR GOODE: Oh.

VICE-CHAIR COUCH: And then we have three that we wanted to recommend. We feel it's better in executive session only that if somebody is applying without the knowledge of their employer, et cetera. So it would be better...I would recommend that we go into executive session.

CHAIR GOODE: Okay. Are there any questions for open session from any of the Members, including members of the TIG? Okay. I think...let's see, where's our agenda? So my recollection is when we go to executive session –

VICE-CHAIR COUCH: We have to be.

CHAIR GOODE: --somebody...yeah, somebody state it, exactly cite the statute and, you know, we can take a vote on that.

VICE-CHAIR COUCH: So, Mr. Chair, I move that we go into executive session pursuant to HRS 92-5(a)(2), Hawaii Revised Statutes, to consider the hire of an officer or an employee. And also Section 92-5(a)(4), to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, this Committee. Or Section 92-5(a)(8), Hawaii Revised Statutes, to deliberate

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or make decisions upon a matter that requires consideration of information that must be kept confidential pursuant to a State or Federal law or a court order.

CHAIR GOODE: Okay.

MEMBER CRIVELLO: Second.

CHAIR GOODE: It's been moved and seconded by Mr. Couch and Ms. Crivello that we go into executive session. All in favor, say, "aye."

MEMBERS: Aye.

CHAIR GOODE: Noes? Okay. The measure passes.

VOTE: AYES: Chair Goode, Vice-Chair Couch, Members Crivello, Fuchigami, Medeiros, and Spence.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Member Cochran.

MOTION CARRIED.

ACTION: APPROVED; RECESS open meeting and CONVENE executive meeting

CHAIR GOODE: And so I see that the room is clearing, appropriate. So --

MEMBER MEDEIROS: Thank you for coming.

CHAIR GOODE: --we'll recess. . . .(gavel). . .

RECESS: 11:04 a.m.

RECONVENE: 11:37 a.m.

CHAIR GOODE: . . .(gavel). . . Okay. Members of the MPO, we're back in regular session having previously convened in executive session. And, again, we're back on the item related to the TIG and the hiring of the Executive Director. The TIG has produced a report and presented it. And I think, at this time, all we can do is accept the report. And so I would ask for a motion that we accept the report on the hiring of the Executive Director from our TIG.

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VICE-CHAIR COUCH: So move.

MEMBER CRIVELLO: Second.

VICE-CHAIR COUCH: Is that taking action on the TIG?

MEMBER CRIVELLO: No...

MR. KUSHI: Oh, no. Just acknowledge the fact that it was submitted.

VICE-CHAIR COUCH: Yeah, submitted.

MEMBER CRIVELLO: Yeah.

VICE-CHAIR COUCH: Yeah, we don't...

CHAIR GOODE: Just acknowledge?

MR. KUSHI: ...accept maybe the wrong...

CHAIR GOODE: Okay. Well, I guess then, without objection, we'll acknowledge that we received the report from the TIG.

MEMBERS: No objections.

CHAIR GOODE: Okay. And so we cannot take action on the report at this meeting. However, we can take the action...we can take action on the report at a subsequent meeting. So to kind of talk about...we'll throw in another item at the same time here...our next meeting date and agenda, which is also on our agenda. We had been working...we've been working with Council Services to find out the dates and times available for this room. We've been meeting Monday 9:00 a.m. rather successfully so far looking at Council schedules, all your scheduled meetings, Will, for your boards and commissions, and...boards...and so it looked like July 18th is our next regularly scheduled meeting at 9:00 a.m. here. In interest of getting an Executive Director up and running as soon as possible, I'd like the Policy Board to consider having a special meeting. And the purpose of the special meeting would be to act on the TIG's report, which is required and then we can subsequently, at another meeting, do interviews. So does...is that acceptable to look for a special meeting then?

MEMBERS: Yes.

CHAIR GOODE: Okay. And since between now and June 18, it's about four weeks.

VICE-CHAIR COUCH: July.

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CHAIR GOODE: Did I say July 18th? Excuse me, yeah. Between now and July 18th is about four weeks. Roughly two weeks from now will be fourth of July, and I don't see a lot of eager faces for the fourth of July. So the fifth is a possibility or perhaps as soon as...I guess the soonest we could do it would be sometime the end of next week.

VICE-CHAIR COUCH: Right.

CHAIR GOODE: Like the 29th, the 30th, or the 1st because that would need to be posted.

VICE-CHAIR COUCH: Yeah, Wednesday the 29th morning Water Resources Committee has canceled. But we, you know, it's going to be what a half-an-hour meeting at the most? Could we do it like at 1:00 or 12:00 on Thursday?

CHAIR GOODE: The 29th?

MEMBER MEDEIROS: Sure, I'm available.

CHAIR GOODE: Do we have...I'm available at noon or 1:00. Who else...do we have enough members?

MEMBER CRIVELLO: Yeah, I can.

CHAIR GOODE: Okay.

MEMBER CRIVELLO: The 29th at 1:00 p.m. Two...myself two. Mr. Medeiros?

MEMBER MEDEIROS: Yes.

CHAIR GOODE: Three. Mr. Spence possibly?

MEMBER SPENCE: I will be on the mainland.

CHAIR GOODE: Oh, that's right, you're gone.

VICE-CHAIR COUCH: So it has to be me.

CHAIR GOODE: And you're available. And Mr. Fuchigami's not going to be available it sounds like. Okay. So it looks like we likely have quorum on the 29th at 1:00 p.m. So we would need to post by the 30th, right, whatever time on the 30th? Excuse me, the 23rd, is Thursday, right? Okay. Getting my dates a little mixed up here, alright.

VICE-CHAIR COUCH: Welcome to Sunshine.

CHAIR GOODE: Yeah.

MS. YAP: Chair?

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CHAIR GOODE: Yes?

MS. YAP: If this room is not available, where would you suggest having the meeting?

CHAIR GOODE: Let's look around. So after the meeting I can work with you on that. We do have...and then the eighth-floor conference room's a possibility, our Engineering Division has a conference that comfortably seats maybe 15 to 20. I also have another conference that does 10 to 12. So we can certainly find something. This I think...the preference would be here since we're accustomed to this.

MEMBER MEDEIROS: That would be the only thing on the agenda?

MEMBER CRIVELLO: Yes.

CHAIR GOODE: That's correct, right. Yeah, I don't think we'll have minutes ready from this meeting.

VICE-CHAIR COUCH: And public testimony.

CHAIR GOODE: And public testimony, right. Okay. So that's what we'll shoot for.

MEMBER CRIVELLO: Chair?

CHAIR GOODE: Yes, Ms. Crivello?

MEMBER CRIVELLO: So we're looking at June 29th for...agenda TIG, July 18th is...

CHAIR GOODE: July 18th at 9:00 a.m. would be our next regularly scheduled meeting.

MEMBER CRIVELLO: Okay.

CHAIR GOODE: And if all the Members haven't gotten that, we can resend all those dates. I know we had them through the end of the year. Alright. What's left on our agenda? Any announcements?

VICE-CHAIR COUCH: No.

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CHAIR GOODE: Alright. Without any further business...any further business? Okay.
Without any further business, this meeting is adjourned. . . .(gavel). . .

ADJOURN: 11:44 a.m.

APPROVED:



DAVID GOODE, Chair
Maui Metropolitan Planning
Organization Policy Board

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Transcribed by: Raynette Yap