

**MAUI METROPOLITAN PLANNING ORGANIZATION
POLICY BOARD**

MINUTES

July 18, 2016

**Planning Conference Room
Kalana Pakui Building**

CONVENE: 9:03 a.m.

PRESENT: VOTING MEMBERS:
David Goode, Chair
Don Couch, Vice-Chair
Elle Cochran, Member
Stacy Crivello, Member (in 9:09 a.m.)
Ford Fuchigami, Member
Don Medeiros, Member
William Spence, Member (in 9:08 a.m.)

STAFF: David Raatz, Director, Office of Council Services
Chancy Hopper, Supervising Legislative Attorney, Office of Council Services
Raynette Yap, Committee Secretary, Office of Council Services
Marc Takamori, Deputy Director, Department of Transportation

ADMIN.: Ed Kushi, First Deputy Corporation Counsel, Department of the Corporation
Counsel
Michael Hopper, Deputy Corporation Counsel, Department of the Corporation
Counsel

OTHERS: Liz Fischer, Transportation Planner, Federal Highway Division
Mark Deakos
Archie Kalepa
Tiare Lawrence
Mariah Gill
Albert Perez, Executive Director, Maui Tomorrow
Lauren Armstrong
Theresa Brewer
Evan Dust
Plus (2) Others

AGENDA ITEM I. CALL MEETING TO ORDER

CHAIR GOODE: . . .(*gavel*). . . Morning. The Maui Metropolitan Planning Organization is called to order of the Policy Board. We have Mr. Medeiros; Mr. Fuchigami; myself,

**MAUI METROPOLITAN PLANNING ORGANIZATION
POLICY BOARD**

July 18, 2016

Dave Goode; Don Couch; Elle Cochran. So currently not here, but hopefully on their way, is Stacy Crivello and Will Spence. Ed Kushi, Corp. Counsel, and a variety of competent staff this morning. We have a lot on the agenda today. Number of things related to agreements and very important business related to the Executive Director position.

AGENDA ITEM II. PUBLIC TESTIMONY

CHAIR GOODE: But first I'd like to start with public testimony. And the first testifier who signed up to speak is Mark Deakos. If you come and testify, you have three minutes and a minute to wrap up.

. . . BEGIN PUBLIC TESTIMONY . . .

CHAIR GOODE: Good morning.

MR. DEAKOS: Thank you, Members. Thank you, Director Fuchigami. So I'm deeply concerned about statements that were made by Edwin Sniffen, the Deputy Director, HDOT on a July 3, 2016 Honolulu Star Advertiser article entitled, Roadword choices: Cash crunch stalls plans. In it, it states, I cannot justify adding new roads to the system if I cannot maintain roads we already have. The article refers to the Honoapiilani Highway realignment project; so which translates to more seawalls attempting to protect the existing highway instead of focusing on the mauka realignment. This includes the \$3½ million project to armor the north end of Olowalu starting in August, and the 20-million-plus project for the seawall at the south end of Olowalu along Maui's most popular snorkeling destination, mile marker 14. So I do want to stress that a coastline is a living, breathing system where land and sea share freshwater and nutrients which are critical for fish nursery areas and supporting healthy coral reefs and reef populations. These living coastlines also supply our beloved beaches, shoreline access for swimming, fishing, kayaking, snorkeling, diving and surfing; all of which support sustenance, cultural, recreational and commercial uses. When you sever that connection with a seawall, you impact all of those things and you rob our communities, and especially our keiki, of those extremely valuable ecosystem services. So what have our taxpayers gotten thus far from our seawall investments? Well let's examine the 2012 Ukumehame seawall that cost taxpayers 7 million: no more beach there, no more beach access, there's an ongoing sediment plume that threatens the reef there, and motorists are no more gotten out of harm's way with the waves crashing over the highway. Motorists are swerving. I believe there may have even been a death there, not 100 percent sure; but it's inevitable. Meanwhile, the County has purchased all the land or lots of the land needed. Private landowners are offering land specifically for the mauka realignment to avoid seawalls, get motorists out of harm's way, and preserve those valuable beaches and coastlines. So why isn't HDOT acting on this very logical solution? Well let's just say in 2012 when I inquired with HDOT why they are continuing with the armoring of the north end of Olowalu shoreline when Peter Martin has offered lands to move the highway inland, I was basically challenged to try and stop the project. Back in 2008-2009—

**MAUI METROPOLITAN PLANNING ORGANIZATION
POLICY BOARD**

July 18, 2016

and I'll submit these documents—Maui County Planning specifically asked for a cost benefit analysis to seawalls versus realignment and to explain why realignment solution is not a better solution, to which I'm not sure there's been an adequate response. So I'll end by saying that the people of Maui have been relatively quiet on this issue, but this is changing. And I hope HDOT is prepared to justify spending more than \$35 million of taxpayer money on seawalls that are destroying our beaches, our marine resources, and that are further putting motorists in harm's way and maintaining Lahaina as one of the most vulnerable cities in America. So please redirect any armoring project funds towards the realignment and get the realignment project back on the STIP. Thank you.

CHAIR GOODE: Thank you, Mr. Deakos. Any questions for Mr. Deakos? Okay. Go ahead, Elle. You have a question?

MEMBER COCHRAN: Just. You got paper you're going to submit to us, Mark?

MR. DEAKOS: Yes.

MEMBER COCHRAN: Okay, good. Thanks.

CHAIR GOODE: Okay. Anything else? Thank you. Also, I want to note for the record, Will Spence has joined us, and Liz Fischer is here from FHWA to help. Thank you, Liz. Next testifier is Archie Kalepa.

MR. KALEPA: Good morning --

CHAIR GOODE: Good morning.

MR. KALEPA: --Councilmember, Committee Members. You know, growing up in Lahaina, I've seen a lot of change. When I look at where the Lone Pine Tree stands today, you actually see how much erosion has happened. And, you know, I've been participating in the Malama Honua Worldwide Voyage, and the message that we're trying to send to the rest of the world is that when you live on an island—which we live on—you begin to understand the effects of what's happening. We get to see it firsthand. We're seeing the erosion, we're seeing our ecosystem change, we're seeing our shorelines dramatically affected by what's happening. And I think it's really important for us to take into deep consideration the need for the realignment of this road on many fronts: socially, economically, environmentally. These are all important issues that play a big part in decisions that you make. You know, it's...when you see they just spent—I don't know what he said—was \$6 million about Ukumehame and fixing that seawall, it hasn't done any good. The water still comes over the road, you know. It was really sad to see the time, the investment that was put into that wall and the water still comes over the road. In time, you will begin to see the effects, in near time, of us losing the coastline a lot quicker than we think. So I think the realignment of this road is the beginning process for us not only to realign this road but to look at the changes that are happening. And if we don't begin to make these changes—and this road is just a Band-Aid—but if we don't begin to do these kind of changes, then pretty

**MAUI METROPOLITAN PLANNING ORGANIZATION
POLICY BOARD**

July 18, 2016

soon there won't be a road that people will be able to safely use going to Lahaina. I just want to say how important it is for you guys to make the right decisions and invest the funds to realign this road and the importance. And I don't know, I don't know if there needs to be more study now because of how quickly erosion is happening.

MS. HOPPER: Three minutes.

MR. KALEPA: There might be a need to move the road further back, I don't know. But I hope that you guys can support this project and don't put it on the backburner, and make it happen. Thank you.

CHAIR GOODE: Thank you. Any questions...Mr. Kalepa? No? Seeing none, thank you. Also for the record Ms. Crivello's joined us. Good morning. Next testifier is Tiare Lawrence. And if there's anybody else signed up...feel free to sign up up front. Thank you. Ms. Lawrence?

MS. LAWRENCE: Aloha. Thank you for being here and thanks again to Mr. Fuchigami for coming today. I'm here again just really urging you guys to put the realignment of Honoapiilani Highway as major priority. I know you mentioned last time, saying, where are we going to get the funds? And I think this is such a critical issue that the State and the County need to come together and collaborate and find a solution. I have video I can show you of the water coming over. It causes traffic problems. That Ukumehame hardening project, basically, we used to go there and enjoy the actual sandy beach and now it's completely gone. It's boulders, there's a lot of...you see the effects of the seawall. And what happens is the water comes up and it's just making it worse and it's going down the coast. And I mean probably more than half of the Pali to Puamana area is hardening projects or guardrails, places that we used to once have access for fishing. People are now parking across the street to surf and running across with their boards with children. It's becoming a hazardous issue. You know, you guys keep getting emergency proclamations for these hardening projects and getting the funds for these emergency proclamations without any public input. And, you know, at this point, it's such a critical issue that, you know what, the realignment of Honoapiilani Highway deserves an emergency proclamation. I invite you to please drive over there especially during a south swell. You'll see firsthand how critical this issue is, how much beach we've lost, how much public access we've lost. Camping areas are now like literally up against the highway. It's not safe. It's not safe. It's a safety issue. So I'm here again just asking the State and the County to collaborate with each other and to put this as a major priority because it is definitely needed. Thank you.

CHAIR GOODE: Thank you. Any questions for Ms. Lawrence? Okay. Seeing none, thank you.

MS. LAWRENCE: Mahalo.

CHAIR GOODE: Appreciate it. Next testifier is Mariah Gill.

**MAUI METROPOLITAN PLANNING ORGANIZATION
POLICY BOARD**

July 18, 2016

MS. GILL: Good morning, everyone.

CHAIR GOODE: Good morning.

MS. GILL: Thank you for having...giving me the opportunity to speak here today. I want to start by first saying, thank you, to Maui MPO. You know, David Goode spoke at the NPAC meeting stating that, you know, the realignment is one of the top issues that the community brings to the table. Don Couch put the seawall issue on the Planning Committee meeting recently. I know Elle's been working on this. So thank you for the attention that you have, you know, shown. I'm going to basically restate what everyone is saying. The realignment of Honoapiilani needs to be a priority. You know, the Star Advertiser recently on July 3rd published an article saying that big-ticket items like this capacity-type projects are going to be deferred for up to 20 years. Instead of capacity projects, system-preservation projects are going to be prioritized. I argue that the realignment of Honoapiilani is a system-preservation project. The community has made it very clear that seawalls are not the option to preserving this stretch of highway. It's not just 900 feet here, 900 feet there, as Tiare just said, it's the whole stretch between Pali and Puamana that needs fixing. And, you know, as someone who lives in Lahaina and works in Kahului, I drive that road every day. It's not just the unusual high, you know, tide or high surf that water is encroaching on the highway, it's every day at high tide. I mean every day that I drive home there's, you know, either it's you're wet and you have to slow down at Ukumehame to get through there or you can see where, you know, the salt has dried and there's salt crystals. So there's a lot of evidence that this isn't just a, you know, extreme type of, you know, oh, it might be at risk. It's at risk every day. You know, the other issue that we've kind of talked about is, you know, the historical approach has been to harden the coastline. You know, at places like north of Olowalu where there's a bouldering project plan and actually going to break ground next month, you know, it's easy to say, oh well that was a cobble beach and that bouldering revetment won't impact the coastline there; well, you go south of Olowalu where there's a seawall planned, and just yesterday driving home there's a monk seal sleeping literally ten feet from where the traffic's zooming by. This is critical habitat for the Hawaiian monk seal which is a critically endangered species. You know, the excuse that the State Department of Transportation isn't aware of other alternatives that are feasibly, you know, attainable, such as, you know, using a mauka realignment. We have three landowners, again: Olowalu Elua Associates, County of Maui, and State of Hawaii are all mauka of the highway. There needs to be a way where all the interagencies come together with the State and make that land available. The landowner, Olowalu Elua Associates has already said, they're willing to work with the State to make land available, and we all know that the County has already purchased land and made moves to make land available for the realignment. This is a system-preservation project and I ask you as the Maui MPO in your capacity to really push us forward as a system-preservation project. Mahalo.

CHAIR GOODE: Thank you, Ms. Gill. Any questions for the testifier?

**MAUI METROPOLITAN PLANNING ORGANIZATION
POLICY BOARD**

July 18, 2016

MEMBER COCHRAN: Chair?

CHAIR GOODE: Elle?

MEMBER COCHRAN: Thank you. And thank you...good morning.

MS. GILL: Good morning.

MEMBER COCHRAN: Thank you for being here. And I appreciate...agree with all the words that you've stated today. In regards to the monk seal, though, did you...do you call the appropriate authorities so they can document these cases?

MS. GILL: They had the volunteer there last night.

MEMBER COCHRAN: Oh, okay, very good.

MS. GILL: Yeah. And I took pictures.

MEMBER COCHRAN: Okay, good. Just so that way it's on record and it's documented, the amount of occurrence. 'Cause I've seen it, too; it's probably the same one.

MS. GILL: Yeah.

MEMBER COCHRAN: The same spot. And, that way, all the, you know, agencies you spoke about would be aware and have black and white paper trail to state when and the occurrences.

MS. GILL: Thank you. I'll make sure to do so. Thank you.

CHAIR GOODE: Anything else? Okay. Thank you. Next testifier, Albert Perez?

MR. PEREZ: Good morning, MPO. I'm not sure what to call you at this point, but...I'm Albert Perez. I'm Director of Maui Tomorrow. And I'm glad that we have a forum to air these kinds of issues now. You're hearing from the community. Director Fuchigami, I know this is not a unique problem around the state. I would like to remind you that in September, probably when you are going to be in the middle of this bouldering project—I'm not sure if you're going to be pau by then—but it's going to be really close to when the World Conservation Congress is happening. And I think it would be a real travesty and very ironic for the Department to be just going ahead with this project that is going to have known impacts on the reef. I've read through the environmental impact assessment that was done for this project and really didn't...it didn't cover all of the impacts that we know are going to happen, and I think it's unfortunate. I wasn't around...we didn't...our organization didn't challenge it at the time, but we do know that there are going to be some problems; and we, as the host, for the United States of America, for the world...for the World Conservation Congress, I think that we could take a step back. We could, you know, we are willing to work with you as a community to find some alternatives. I think there are some short-term solutions. I

**MAUI METROPOLITAN PLANNING ORGANIZATION
POLICY BOARD**

July 18, 2016

know you're worried about the upcoming hurricane season--it's a public-safety issue--but what you're doing there is not really solving the public safety issue anyway. I urge you to go out there, drive...every time I drive by there, I'm looking at the oncoming traffic and I'm timing the waves so that when my car passes by there, I don't have to be drenched with salt water, and I know that other people are doing that, too. So I would urge you to work with the community. There are short-term solutions that you can implement in the event of a high-surf event. You could be using the Cane Haul Road on the side there. You could be doing coning of traffic. There are other things that you can do, and we urge you to not...when I look at the seawall that has already gone in, it looks like a very permanent structure that maybe you could have spent less money doing what you did knowing that it's going to be ineffective over the long term and you're going to have to move that road anyway. The sea level is going to continue to rise and the structure will be undermined; it's just a matter of time. So I understand, having worked for the Department of Transportation, I understand what it's like to be having to maintain what you have and pulling back on putting in new roads. But, as Mariah Gill mentioned earlier, I consider this to be a maintenance project; and I think that you could make the same argument. So, anyway, please work with the community. If you need assistance advocating for additional funding during the Legislature, please reach out to us. Thank you.

CHAIR GOODE: Thank you, Mr. Perez. Any questions for the testifier? Okay. Seeing none, is there anyone else wishing to testify that hasn't spoken already? Okay. Seeing none, I'd like to close public testimony.

MEMBERS: No objections.

CHAIR GOODE: Okay. Public testimony is closed.

. . . END OF PUBLIC TESTIMONY . . .

CHAIR GOODE: I'd just like to state, though. Since all the testifiers basically testified on the same subject, those are the type of subjects that, you know, the MPO has to deal with. And so we have formed, as of our last meeting, a Technical Advisory Committee. Once we have an Executive Director, and we can staff that Technical Advisory Committee, this is something, at least for me as the Chair as I mentioned in the NPAC Meeting, I'd like to have them roll up their sleeves on it and report back to the Board. Perhaps even getting a, you know, public presentation to this Board as well. On the subject of seawalls but on, you know, entire realignment project in general, which really stretches from Maalaea all the way to Honokowai. So I think it's something that we just need to get up to speed on collectively, the audience and the Board, and we look forward to working with DOT on that.

**MAUI METROPOLITAN PLANNING ORGANIZATION
POLICY BOARD**

July 18, 2016

AGENDA ITEM III. APPROVAL OF MINUTES – June 20, 2016 and June 29, 2016 Meetings

CHAIR GOODE: Okay. Members, our next...we have minutes. We have minutes from our June 20th and June 29th meetings. We have both regular session and executive session minutes.

VICE-CHAIR COUCH: I move to approve the minutes.

MEMBER CRIVELLO: Second.

CHAIR GOODE: Okay. It's been moved to approve the minutes of both meetings, June 20th and June 29th. Any discussion, any note of changes for the record? Okay. Seeing none, all in favor, say, "aye."

MEMBERS: Aye.

CHAIR GOODE: Any opposed? Hearing none, motion passes. And that was moved by Mr. Couch and seconded by Ms. Crivello—I think so—for the record.

MEMBER CRIVELLO: Yeah.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: APPROVED the June 20, 2016 and June 29, 2016 meeting minutes.

OLD BUSINESS

AGENDA ITEM IV.a. Comprehensive Agreement Status Update

CHAIR GOODE: Okay. Agreements. So our next item of business is the Comprehensive Agreement Status Update. As you folks might remember, the Comprehensive Agreement is like the name suggests, very comprehensive and it needed to get this organization up and running. So I'd like Mr. Fuchigami to fill us in.

**MAUI METROPOLITAN PLANNING ORGANIZATION
POLICY BOARD**

July 18, 2016

MEMBER FUCHIGAMI: Basically we got the Comprehensive Agreement back from the Governor, he signed off on it. So the Comprehensive Agreement as far as we're concerned is in place and it's part of our MPO now.

CHAIR GOODE: Great. Thank you. That's excellent news. So, with that, allows us to move on to some other business.

AGENDA ITEM IV.b.i. Updates of the following Supplemental Agreements, Financial

AGENDA ITEM IV.b.ii. Updates of the following Supplemental Agreements, MPO PL/5303 Funds Distribution

AGENDA ITEM IV.b.iii. Updates of the following Supplemental Agreements, Data Sharing

CHAIR GOODE: So, previous meeting, we had the financial agreement, the funds distribution agreement with OMPO, and the data sharing agreement which is...with the number of agencies. So this board, previously, had given us the authority to execute those agreements on our side. And we made some minor corrections of typos and some cleanup. Thanks to Corp. Counsel for working with us on that. We have executed them and we sent them to Ford. So maybe, Ford, you can give us a status...some of this is with MDOT and some is for routing for others.

MEMBER FUCHIGAMI: That's correct. Right now, once we get it, what we do is we first send it to our AG's Office for their, basically, approval. Once it comes back to me, then I will sign off on it and then, what we'll do is, we'll route it to there. And, again, eventually, all parties need to sign off and then we'll be done.

CHAIR GOODE: Okay. Thank you. So we'll keep checking in on this as we move forward.

AGENDA ITEM IV.c. Review, discussion and approval of the Administrative Supplemental Agreement

CHAIR GOODE: The one agreement that we deferred from our last meeting was the Administrative Supplemental Agreement, and this agreement is between the MPO and Mr. Medeiros' agency, our Maui Department of Transportation. And we had discussion. Mr. Couch had some concerns related to the agreement, and so...or the action item we had was with Mr. Couch, myself, Marc Takamori. Sat down and worked through this over the last month. And Mr. Couch had some examples of some other jurisdictions that have a more simplified agreement. So we looked at that and we also had some discussions with FTA on how the funds would be transferred. And in the end what we thought was best was to keep the general framework of the agreement that you had before you, but greatly simplify it so it wasn't so specific as to who does what, almost down to the point where who makes the copies and who

**MAUI METROPOLITAN PLANNING ORGANIZATION
POLICY BOARD**

July 18, 2016

staples. So what we did is we simplified it greatly. There are some specific duties. And we made it a one-year agreement; so this really gives the opportunity for Maui Department of Transportation and the MPO, as we hire an Executive Director and get staffed, to kind of work out the bugs of kind of who does what, has some flexibility in the agreement and some specificity. And then after a year, we'll look at it again based on their experiences, their knowledge of how, you know, the monies have been handled and who's doing what and then any modifications we could take up then. So that's basically what we came up with and I think maybe I'll let Mr. Couch and Mr. Medeiros chime in since we're working together, or Mr. Takamori.

VICE-CHAIR COUCH: You said everything that's necessary. We were able to trim it down and make it less onerous. And once we figure out who the Executive Director would be, we can solidify the long-term...

CHAIR GOODE: Mr. Medeiros, anything for you?

MEMBER MEDEIROS: No.

CHAIR GOODE: It's your agency, so make sure you're okay with it.

MEMBER MEDEIROS: We concur.

CHAIR GOODE: Alright. Thank you. So anyway, that's where we're at, and hopefully you've had a chance to look at it. But, again, it's...I think we've trimmed it in half. So if there's no further questions, we'd entertain a motion to, I guess, approve the Administrative Agreement as drafted and give your Chair the authority to sign it on your behalf and make any nonsubstantive changes as needed.

VICE-CHAIR COUCH: So move.

MEMBER MEDEIROS: Second.

CHAIR GOODE: It's been moved and seconded by Mr. Couch and Mr. Medeiros. Any further discussion? All in favor, say, "aye."

MEMBERS: Aye.

CHAIR GOODE: Okay. Any noes? Hearing none, the motion passes. Thank you.

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

NOES: None.

ABSTAIN: None.

**MAUI METROPOLITAN PLANNING ORGANIZATION
POLICY BOARD**

July 18, 2016

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: APPROVED the Administrative Supplemental Agreement.

CHAIR GOODE: And we had a really good discussion about it, too; and I think there's a lot of small issues that potentially could pop up, and we have enough on our plate to not introduce more small issues if we can.

MEMBER MEDEIROS: Right.

NEW BUSINESS

AGENDA ITEM V.a. Review and discussion of the Unified Plan Work Program (UPWP)

CHAIR GOODE: Okay. The next order of business is review and discussion of the Unified Plan Work Program, the UPWP. And this, I think, can best be...we've seen it before as best described, perhaps, as our budget. It's a very necessary item for Federal Highways –

MEMBER MEDEIROS: Yes.

CHAIR GOODE: --for us to get our funding. Marc Takamori worked on it with Public Works Deputy Director, Rowena Dagdag-Andaya. Maybe if I could ask, Marc, do you have any overview you could give us related to the document?

MR. TAKAMORI: Good morning, Chair.

CHAIR GOODE: Good morning.

MR. TAKAMORI: I guess for the UPWP, Rowena and I worked on it together. And keep in mind that this is basically our first time trying to go through a UPWP, figuring out what supposed to be in it, how everything is supposed to be formatted. So and this is a very drafty draft. And when the Executive Director does come in, we would definitely want that person to review this and provide input, because...and again, you know, this is our first time going through this so there's a steep learning curve for us. Other than that, I guess, no other comments from me. Thank you.

CHAIR GOODE: Okay. But I...what I'd like to ask, you did look at a number of other MPO's UPWPs, correct, and modeled it based on those?

MR. TAKAMORI: Yes, yes we did. I think we looked through, like, Walla Walla, Washington and several others that I don't recall. But we did, we did –

**MAUI METROPOLITAN PLANNING ORGANIZATION
POLICY BOARD**

July 18, 2016

CHAIR GOODE: Okay.

MR. TAKAMORI: --read through, review, and then kind of come up with our document.

CHAIR GOODE: Mr. Medeiros?

MEMBER MEDEIROS: Yeah, I want to thank both Rowena and Marc for this. And I just have one, just one comment. It's a typo on the first page, the third paragraph. It says, on March 4th the MPO was formed, but it's actually May. So we should change "March" to "May"; that's it.

VICE-CHAIR COUCH: We accept this now or are we going to...

CHAIR GOODE: Yeah, actually that's a good question. I guess I need a little bit of guidance here. Is Liz still here?

MEMBER FUCHIGAMI: She'll be right back.

CHAIR GOODE: Okay. It's a timing question, right? 'Cause essentially it's a budget, so it's something that can be amended. If it's needed for us to get...or some of our funds start coming in, then time may be of the essence rather than waiting for an Executive Director to get onboard, figure out everything they've got to do.

MEMBER MEDEIROS: We can't...FTA has told us that this document will start the process to create the grant agreement to move the money into the...into...

CHAIR GOODE: Okay.

MEMBER MEDEIROS: So it is really timely.

CHAIR GOODE: Okay. So, from that perspective then, it sounds like we do need to get this approved. If we need to make any...again, the same kind of thing, authorize us to—I guess myself—to execute it as necessary. And then make any changes that might be needed just for a consistent document and a clean document but no substantive changes. And then if we can forward that on so as to kick start the process. But again it's...because it's a, in some ways, a lot like a budget, we can amend it as we go along.

MEMBER MEDEIROS: I move to accept it.

VICE-CHAIR COUCH: Second.

CHAIR GOODE: Okay. It's been moved and seconded by Mr. Medeiros and Mr. Couch. Further discussion?

VICE-CHAIR COUCH: With the amendment that he brought up.

**MAUI METROPOLITAN PLANNING ORGANIZATION
POLICY BOARD**

July 18, 2016

CHAIR GOODE: Okay. Yeah, we'll check into the date. Okay. Any further discussion? Okay. All in favor, say, "aye."

MEMBERS: Aye.

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

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: APPROVED the Unified Plan Work Program (UPWP) as amended.

AGENDA ITEM V.b. Review, discussion, and action on proposed Policy Board Bylaws

CHAIR GOODE: Next item is our Policy Board Bylaws. And we've been working on these; you've probably seen at least one version of this. And this sets forth, you know, the way in which we conduct our overall business for the Board. Talks about the functions of the Executive Director, meeting schedules, agendas, quorum, voting, minutes, et cetera. Like any document...bylaws document, it's something that can always be amended. If there's changes in law or other procedures, or we feel that there's just a general need to change it. Mr. Kushi, you worked on this, do you have anything to add?

MR. KUSHI: No, Mr. Chair. I think late last week, or earlier last week, you guys have a final...my final draft of the bylaws. It's been through some revisions, but I just made it as simple as possible. Again, like you said, it can always be amended. And I look at this, these bylaws, as the group's rules of practice and procedures, internal documents, not only for this Board but the proposed TAC committee members.

CHAIR GOODE: Right. So you have the TAC bylaws be the next item on the agenda. Mr. Fuchigami?

**MAUI METROPOLITAN PLANNING ORGANIZATION
POLICY BOARD**

July 18, 2016

MEMBER FUCHIGAMI: I have a question. You know on page 2 under membership, item A, number 2. It says, "At the discretion of the department director or administrator, a deputy director or designee may be delegated to serve as the Policy Board member in lieu of the department director or administrator." Is this on an individual meeting basis or is this...should for some reason a member not be able to attend future meetings and they want a total replacement...

MR. KUSHI: What is that, page 2 –

MEMBER FUCHIGAMI: Page 2...

MR. KUSHI: --item 2A –

MEMBER FUCHIGAMI: Membership.

VICE-CHAIR COUCH: Two, A, 2.

MEMBER FUCHIGAMI: A, 2. I just want to make sure that if, for some reason, I cannot make one meeting but you require quorum or you need a voting member that I can designate that, in writing, that this individual will be participating only for that one meeting.

MR. KUSHI: Yeah, on a meeting-by-meeting basis --

MEMBER FUCHIGAMI: Correct.

MR. KUSHI: --provided it's not a member of the TAC.

MEMBER FUCHIGAMI: Right. So that is okay?

MR. KUSHI: That's my intent.

MEMBER FUCHIGAMI: Okay. Thank you.

CHAIR GOODE: Okay. Any other questions? Mr. Couch?

VICE-CHAIR COUCH: Do we need to have that in..."on a meeting-by-meeting basis," just to make it clear?

MR. KUSHI: No.

VICE-CHAIR COUCH: Okay.

CHAIR GOODE: It's open ended, the way it's kind of written. Yeah. So if you know you're going to be out for two meetings in a row...okay. Alright. Any other questions?

**MAUI METROPOLITAN PLANNING ORGANIZATION
POLICY BOARD**

July 18, 2016

VICE-CHAIR COUCH: Yeah. On the—and this is technical stuff for meetings, et cetera—I can't see where it says we follow...do we follow Robert's Rules on top of our rules?

MEMBER MEDEIROS: Yes.

VICE-CHAIR COUCH: I didn't see where it is in here, but maybe I missed it.

MEMBER MEDEIROS: I read it.

MR. KUSHI: It's in here somewhere.

MEMBER COCHRAN: Yeah. Page 4, C.4.

VICE-CHAIR COUCH: Oh yeah, okay.

MR. KUSHI: Yeah, correct.

CHAIR GOODE: Okay?

VICE-CHAIR COUCH: Okay. And I believe, in Robert's, it doesn't talk about during a voice vote if you don't say anything—I know in Council Rules we have it—but if you don't say anything, it's affirmative; and that the Chair always votes.

CHAIR GOODE: Okay. I don't know that aspect of Robert's Rules well enough to comment.

VICE-CHAIR COUCH: Probably want to check that if there's no...at least on our Council. Other councils allow a pass, abstain; which, our Council, we don't. And I think that, since we're small enough, we probably shouldn't have that ability to pass.

CHAIR GOODE: Okay.

VICE-CHAIR COUCH: But that's up to the body.

CHAIR GOODE: So like in our last votes that we had where I just asked, "all in favor, say, aye," it sounded like everybody said aye, and then I said, "no," and I just said, "motion passes."

VICE-CHAIR COUCH: Right. Correct.

CHAIR GOODE: I guess that would generally be noted as...

VICE-CHAIR COUCH: Unless somebody says, "no," that it's assumed affirmative.

CHAIR GOODE: Right, 'cause there's no way to pick up who actually said –

VICE-CHAIR COUCH: Correct.

**MAUI METROPOLITAN PLANNING ORGANIZATION
POLICY BOARD**

July 18, 2016

CHAIR GOODE: --aye. Okay. I'm generally fine with that.

VICE-CHAIR COUCH: And it's no big deal, it's no big deal until there's a controversial item where it's going to be four to three kind of thing; then it's...some people may want to say, "pass," and I don't know that that's...other places allow it, I know our Council doesn't.

CHAIR GOODE: Pass is a weird thing. I can see people abstaining 'cause there may be a conflict of interest or something like that.

VICE-CHAIR COUCH: Well, yeah, yeah.

CHAIR GOODE: I'm open to it, so anybody?

VICE-CHAIR COUCH: I'd like to put those...unless you say, "no," your vote is counted as affirmative.

CHAIR GOODE: Okay. That would essentially be the line that we would add? Okay.

VICE-CHAIR COUCH: Right, unless voiced "no," vote counts as affirmative.

CHAIR GOODE: Alright. And clearly if there's a very tight vote, we would have –

VICE-CHAIR COUCH: Roll call.

CHAIR GOODE: --you know, roll call –

VICE-CHAIR COUCH: Right.

CHAIR GOODE: --make it very clear who's voting which way. That okay, Members?

MEMBERS: Yes.

CHAIR GOODE: Okay.

VICE-CHAIR COUCH: And that the Chair votes.

UNIDENTIFIED SPEAKER: You need a motion?

VICE-CHAIR COUCH: Not necessarily, if everybody agrees.

MEMBER MEDEIROS: Agreed.

MEMBERS: Consensus.

MR. KUSHI: Chair?

**MAUI METROPOLITAN PLANNING ORGANIZATION
POLICY BOARD**

July 18, 2016

CHAIR GOODE: Yeah?

MR. KUSHI: What I'll do at the next meeting, I'll give you language which would say that and I'll just follow your Council Rules.

CHAIR GOODE: So I guess the question is, is that something we need to take up at the next meeting or is that something based on...if we pass this now, we could just do it?

MR. KUSHI: If you're satisfied with the rules, pass it, subject to . . .*(inaudible)*. . .

VICE-CHAIR COUCH: And then we'll take a look at it, if we don't like it --

MR. KUSHI: Right.

VICE-CHAIR COUCH: --modify it.

CHAIR GOODE: Okay. So I won't execute the bylaws then?

VICE-CHAIR COUCH: No, we can --

CHAIR GOODE: Okay. We could execute it, but at least you'll...

VICE-CHAIR COUCH: --and give him the authority to make the amendments; and so, when we get 'em back, if there's something wrong, we can change it then.

CHAIR GOODE: Okay. Alright.

MR. KUSHI: What I'll do is, for the next meeting, I'll send you copies of the revised pages . . .*(inaudible)*. . . it's okay to sign.

CHAIR GOODE: Alright. Mr. Medeiros?

MR. MEDEIROS: And I just have one thing, again, on page 1, item B, under Vision and Mission, it says, "As the MPA," is that a typo, should it be MPO?

MS. FISCHER *(from the gallery)*: Chair, if I may? There are two terms.

CHAIR GOODE: Yeah.

MS. FISCHER *(from the gallery)*: There's a Metropolitan Planning Area --

CHAIR GOODE: Right.

MS. FISCHER *(from the gallery)*: --which, in the state, is the island of Maui, metropolitan planning organization...

MR. KUSHI: It's not a typo.

**MAUI METROPOLITAN PLANNING ORGANIZATION
POLICY BOARD**

July 18, 2016

VICE-CHAIR COUCH: 'Cause the MPO...

MR. MEDEIROS: No, I understand that. My question is, it says, "MPA," so if we're going to use, you know, the designation, so it should say, as a Metropolitan Planning Area (MPA), the metropolitan planning organization for Maui and the MPO is guided by the following Vision and Mission...

VICE-CHAIR COUCH: Fine.

MR. MEDEIROS: It just kind of hangs out there.

VICE-CHAIR COUCH: Yeah. I'm fine with putting the words, Metropolitan Planning Area.

MR. MEDEIROS: But...

CHAIR GOODE: So show me where you're looking again.

MR. MEDEIROS: I was on page 1, item B. It just sits there.

CHAIR GOODE: Okay. 'Cause in item A, above, it does –

MR. MEDEIROS: There it is.

CHAIR GOODE: --define MPA.

MR. MEDEIROS: Okay. I missed that.

CHAIR GOODE: Right.

MR. MEDEIROS: I take it back. Cancel.

MEMBER COCHRAN: But, okay. Thank you, Mr. Medeiros. But in that same page, I mean that same item that Mr. Medeiros is highlighting, Vision and Mission, as MPA metropolitan planning organization; that should be, Metropolitan Planning Area. Right? I mean 'cause isn't it spelling out what the MPA is saying?

CHAIR GOODE: Yeah.

MEMBER COCHRAN: So it's actually saying, MPO. So we should change "organization" to "area" in that first line. Because then the comma, the MPO is guided...

VICE-CHAIR COUCH: Right.

MEMBER COCHRAN: Is that right?

**MAUI METROPOLITAN PLANNING ORGANIZATION
POLICY BOARD**

July 18, 2016

MEMBER MEDEIROS: Yeah, my error was I missed number 1, under A, where it actually says, Metropolitan Planning Area, MPA.

MEMBER COCHRAN: Defines it, right.

MEMBER MEDEIROS: So this...

CHAIR GOODE: But still, the sentence does read awkwardly.

MEMBERS: Yeah, it does.

CHAIR GOODE: It doesn't read correctly. Even with that clarification, it still reads awkwardly.

MEMBER MEDEIROS: Yeah, it's a little confusing.

CHAIR GOODE: And, you know, the other thing, we need to clean it up but I also would like to mention this is the Vision and Mission portion, which is something, once we have the Executive Director onboard and they've got a lot of other things taken care of, we need to have our own mission and vision, right? So we can revisit this entire thing. But I would like to clean up the language a little bit here now.

VICE-CHAIR COUCH: So we might be able to say, As the metropolitan planning organization for the MPA for Maui.

CHAIR GOODE: But I don't know if we need to have the MPA here.

MR. KUSHI: Chair, why don't I just strike the first reference --

CHAIR GOODE: Yeah.

VICE-CHAIR COUCH: Thank you.

MR. KUSHI: --as the MPA metropolitan organization for Maui?

VICE-CHAIR COUCH: Okay.

MR. KUSHI: I'll just strike that whole thing.

MEMBER COCHRAN: Or the Maui MPO is guided by the following...

MEMBER CRIVELLO: Just say, the Maui MPO is guided...

MR. KUSHI: The Maui MPO is...

VICE-CHAIR COUCH: Yeah, yeah.

**MAUI METROPOLITAN PLANNING ORGANIZATION
POLICY BOARD**

July 18, 2016

CHAIR GOODE: Okay. We'll start with, yeah, we'll start with "the Maui MPO is guided by the following..."

VICE-CHAIR COUCH: Perfect.

MEMBER MEDEIROS: Great.

MEMBERS: No objections.

CHAIR GOODE: Okay, good. Good, glad we went through that. Okay. Anything else?

MEMBER MEDEIROS: Do we have to accept this document, or should we?

VICE-CHAIR COUCH: Yeah.

MEMBER MEDEIROS: Yes. I move to accept those changes.

VICE-CHAIR COUCH: Second.

CHAIR GOODE: Okay. It's been moved and seconded with the changes noted in section 1.B., section...where's the one that Mr. Fuchigami had?

MEMBER FUCHIGAMI: Mine was just a clarification.

CHAIR GOODE: That's right, clarification, right.

VICE-CHAIR COUCH: And then the voting –

CHAIR GOODE: And then E, yeah.

VICE-CHAIR COUCH: --voting process.

CHAIR GOODE: --in Voting Procedures in E, okay. Any further discussion?

VICE-CHAIR COUCH: No.

CHAIR GOODE: Okay. All in favor, say, "aye."

MEMBERS: Aye.

CHAIR GOODE: Any "noes"? That'll be taken as seven affirmative "ayes" for the motion.

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

NOES: None.

**MAUI METROPOLITAN PLANNING ORGANIZATION
POLICY BOARD**

July 18, 2016

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: APPROVED the Policy Board Bylaws as amended.

CHAIR GOODE: And we'll work to get that changed and executed and copies delivered. Alright, fantastic.

AGENDA ITEM V.c. NEW BUSINESS, Review, discussion and action on proposed Technical Advisory Committee Bylaws

CHAIR GOODE: So the next item is Technical Advisory Committee Bylaws. As you may recall, we impaneled the Technical Advisory Committee, I believe at our last meeting. We're holding off on any meetings until the Executive Director's onboard so they have staff. I don't think we're ready to have them start working. Well, obviously, we've got some work piling up for them. So the bylaws were drafted; and what we're envisioning is that we would look at 'em and generally bless them, but then give them to the TAC and let them adopt them. I think they have to adopt their own bylaws, if I'm not mistaken, not us. But at least we all at least seen them and forward them on. So and that's the item, that's the beef. Before, I don't know, Mr. Kushi, do you have anything in general to talk about the TAC bylaws? Are they substantively different?

MR. KUSHI: No. They're a little bit different because of the makeup. But again, yeah, I agree with you with that once impaneled and once assembled, they should take action on this. Any amendments to the bylaws need to be submitted to this Board.

CHAIR GOODE: Okay.

MEMBER FUCHIGAMI: Chair, if I can make a couple of comments concerning what's written to date?

CHAIR GOODE: Sure, okay.

MEMBER FUCHIGAMI: First, under...on page 1, General Provisions, B, item number 6, if we can add that the items voted affirmatively by the TAC and the meeting minutes of the TAC shall be provided to the Policy Board by inclusion on the Policy Board meeting agenda, could we include, "prior to the MPO meeting"? I think any recommendations that come from the TAC, I would prefer to get it prior to...instead of trying to read

**MAUI METROPOLITAN PLANNING ORGANIZATION
POLICY BOARD**

July 18, 2016

through it while we're trying to make a decision, and this should get it done. That would be one.

CHAIR GOODE: Okay.

MEMBER FUCHIGAMI: And then under Membership, number 2.A, two staff members, Department of Transportation, it says, "Maui District." I have one member from Maui District, the other member is actually out of the divisional office on Oahu which, I think, Ken plays an important role as the Divisional Planner for the Department of Transportation; so I think we should strike "Maui District" from that.

VICE-CHAIR COUCH: One of which must be from the Maui District, can we put that in?

MEMBER FUCHIGAMI: You can put that, that's fine.

CHAIR GOODE: Where does it mention "Maui District"?

MEMBER FUCHIGAMI: I'm sorry. Item number 2, Membership, page 1, A, in the first arrow point.

CHAIR GOODE: Oh I see, yeah, Maui District, okay. So we're going to insert "at least one from"?

VICE-CHAIR COUCH: Sure.

CHAIR GOODE: Yes?

VICE-CHAIR COUCH: Or whatever the language that the lawyers like.

MR. KUSHI: "One of which shall be from..."

VICE-CHAIR COUCH: Okay.

CHAIR GOODE: Okay.

MEMBER FUCHIGAMI: Thank you.

CHAIR GOODE: Alright. Anything else?

VICE-CHAIR COUCH: So once they...are we passing these or are we just passing these down to them as is? They make their changes and then we approve them at the final...we don't have to approve these as is now?

CHAIR GOODE: No, I think we're basically...we're saying they're okay to move to the TAC.

VICE-CHAIR COUCH: Right.

**MAUI METROPOLITAN PLANNING ORGANIZATION
POLICY BOARD**

July 18, 2016

CHAIR GOODE: But they, I think we've mentioned here, they should be approving their own bylaws. And, perhaps, best thing to do is to send us a copy to make sure that there's no major conflicts.

VICE-CHAIR COUCH: But I believe that...somebody said that any changes made would have to be approved by us, is that right?

MR. KUSHI: Right.

CHAIR GOODE: You mean changes to the first document or any subsequent changes or does it matter?

MR. KUSHI: I would suggest the following procedure. I will do the two amendments and then before this document as amended is submitted to the TAC, and if they approve it, fine, so you are . . .*(inaudible)*. . .

MS. FISCHER *(from the gallery)*: Chair? A reminder is that this body is the final decision maker. So that whatever the subunit's attack be, community advisory, whatever other advisory body should you have, ultimately, you at this table, you're the ones that have the final yes/no decision.

CHAIR GOODE: Right.

MS. FISCHER *(from the gallery)*: So that...it...whatever you send back to down below, you still have to . . .*(Inaudible)*. . .

CHAIR GOODE: Okay. Thank you. And I'll also note, on the last page, the signature line is us, not...

UNIDENTIFIED SPEAKER: . . .*(Inaudible)*. . .

CHAIR GOODE: Yeah, the Chair, whoever's the chair at the time. So it's not the Policy Board. So that's what we'll do. Basically, this looks okay, we'll send it to the TAC, they'll come back with anything, and then we'll have the final say.

MR. KUSHI: Okay. Since you're talking about that, I'll also do another. On the last page, signature line, before approved on by Policy Board, I will put, "approval recommended by the Chair."

CHAIR GOODE: Perfect, perfect. And it's, yeah, real clear. Okay. Anything else? Okay. Seeing none...we have a motion, right? Somebody made a motion? No.

VICE-CHAIR COUCH: No need.

MEMBER MEDEIROS: I don't know.

VICE-CHAIR COUCH: I don't think we need a motion on this. I'm fine to do it.

**MAUI METROPOLITAN PLANNING ORGANIZATION
POLICY BOARD**

July 18, 2016

CHAIR GOODE: Okay. Well, is there...we have consensus that it's okay to pass to the Policy Board?

MEMBERS: Yes.

CHAIR GOODE: Okay. Consensus is noted. Alright, thank you. Okay. So our next item is the interviews for the Executive Director. I believe our candidates are here. We will be moving into executive session. And as far as any regular session, is there anything to note prior going into executive session?

VICE-CHAIR COUCH: Mr. Chair, do you want to go through announcements and determine next meeting now or do you want to do that after?

CHAIR GOODE: Yeah, that's probably a good idea. Let's do that in case there's anybody here to listen to that.

AGENDA ITEM VI. ANNOUNCEMENTS

CHAIR GOODE: Does anyone have any announcements? No?

MEMBERS: No.

CHAIR GOODE: Okay.

AGENDA ITEM VII. DETERMINE NEXT MEETING DATE AND AGENDA

CHAIR GOODE: Our next meeting date is...let's see...we already have it, what is it?

MS. HOPPER: August 22nd.

CHAIR GOODE: August 22nd, so that's a—excuse me—upstairs? And that would be in...

VICE-CHAIR COUCH: Mayor's Lounge.

CHAIR GOODE: Mayor's Lounge.

MEMBER MEDEIROS: Ninth floor.

CHAIR GOODE: Ninth floor, since this room will be occupied. And as far as the agenda goes, we'll have some of the same items. We'll have the status of the subagreements, and we'll have definitely some more on the Executive Director wherever we are at that time. And I think we should also start discussing the TAC and items for the TAC. Does that sound like something everybody would like to discuss?

**MAUI METROPOLITAN PLANNING ORGANIZATION
POLICY BOARD**

July 18, 2016

AGENDA ITEM V.d. Interviews for Executive Director

CHAIR GOODE: Okay. Other than that, we've gotten most of our business, the basic building blocks of this organization, either done or in progress. So you guys made a lot of great progress along those lines. And so our next big key task here is obviously hire an Executive Director. Okay. Can somebody make a motion to go into executive session?

MEMBER MEDEIROS: So move.

VICE-CHAIR COUCH: Oh, no, no. You have to do it...you have to do it officially.

CHAIR GOODE: Okay.

VICE-CHAIR COUCH: Mr. Chair, I move to go into executive session pursuant to Hawaii Revised Statutes Section 92-4 and Section 92-5(a)(2), to consider the evaluation of hiring an officer.

MEMBER COCHRAN: Second.

CHAIR GOODE: Okay. It's been moved and seconded by Mr. Couch and seconded by Ms. Cochran to go into executive session for all the good reasons that you described. All in favor, say, "aye."

MEMBERS: Aye.

CHAIR GOODE: Any nays? Hearing none, we'll move into executive session.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: APPROVED; RECESS open meeting and CONVENE executive meeting

**MAUI METROPOLITAN PLANNING ORGANIZATION
POLICY BOARD**

July 18, 2016

CHAIR GOODE: And, for the applicants, we have a little set up work to do. It'll take a little bit of time. I think if you stay outside, we'd appreciate that; and I believe we will be taking you in alphabetical order. Okay? Alright. And we'll take a small break. . . .(gavel). . .

RECESS: 9:53 a.m.

RECONVENE: 1:19 p.m.

CHAIR GOODE: . . .(gavel). . . We're coming out of executive session. Having discussed interviews and had interviews with three applicants, the Board needs a little bit more time to consider. And I'd like to set a time before the next...August 22nd meeting to discuss and decide the Director position. So August 12th at 1:00 p.m. is the date that's come up. Is that acceptable to all the Members?

MEMBERS: Yes.

CHAIR GOODE: Okay. And we'll find...if not this room, we'll find a room and let you know. And so it sounds like August 12th, 1:00 p.m., place to be confirmed.

VICE-CHAIR COUCH: The agenda's just to...

CHAIR GOODE: The agenda will just be to select the Executive Director, okay?

MEMBER COCHRAN: 9:00 a.m.?

CHAIR GOODE: 1:00 p.m.

MEMBER COCHRAN: Oh, 1:00 p.m.

CHAIR GOODE: 1:00 p.m. Okay. Consensus? Any further business? Hearing none, okay, this meeting is over. Mahalo. . . .(gavel). . .

ADJOURN: 1:21 p.m.

APPROVED:



DAVID GOODE, Chair
Maui Metropolitan Planning
Organization Policy Board