

**COUNCIL OF THE COUNTY OF MAUI**  
**BUDGET AND FINANCE COMMITTEE**

June 1, 2007

**Committee**  
**Report No.**

\_\_\_\_\_ 07-54 \_\_\_\_\_

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Budget and Finance Committee, having met on May 23, 2007, makes reference to County Communication No. 07-110, from the Budget Director, transmitting the following:

1. A proposed resolution entitled "AUTHORIZING THE ACCEPTANCE OF THREE GRANTS OF FUNDS FROM THE STATE OF HAWAII, DEPARTMENT OF DEFENSE, OFFICE OF THE DIRECTOR OF DEFENSE RELATING TO STATE HOMELAND SECURITY PROGRAM, LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM AND CITIZEN CORPS PROGRAM".

The purpose of the proposed resolution is to authorize the acceptance of grant funds totaling \$1,138,582 by the County of Maui, Office of the Mayor, as follows: for the State Homeland Security Program (\$700,000), the Law Enforcement Terrorism Prevention Program (\$400,000), and the Citizen Corps Program (\$38,582).

2. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2007 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE CIVIL DEFENSE AGENCY".

The purpose of the proposed bill is to add each of the three grants for the Civil Defense Agency to Appendix A of the Fiscal Year 2007 Budget.

By correspondence dated May 15, 2007, the Chair of your Committee requested that the Budget Director revise the proposed resolution and the proposed bill to incorporate technical and nonsubstantive revisions, and to clarify the reference in the resolution to the entity accepting the grant funds.

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By correspondence dated May 16, 2007, the Budget Director transmitted the following:

1.     A revised proposed resolution entitled “AUTHORIZING THE APPLICATION FOR AND ACCEPTANCE OF THREE GRANTS OF FUNDS FROM THE STATE OF HAWAII, DEPARTMENT OF DEFENSE, OFFICE OF THE DIRECTOR OF DEFENSE RELATING TO STATE HOMELAND SECURITY PROGRAM, LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM AND CITIZEN CORPS PROGRAM”.

The revised proposed resolution authorizes the application for and acceptance of the grant funds to the County of Maui, Civil Defense Agency, and incorporates the other revisions requested by the Chair of your Committee.

2.     A revised proposed bill entitled “A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2007 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE CIVIL DEFENSE AGENCY”.

The revised proposed bill incorporates the revisions requested by the Chair of your Committee.

According to the “Memorandum of Agreement for the FY 2006 Homeland Security Grant Program” (MOA), attached as Exhibit “1” to the revised proposed resolution, the grant funds are “a result of congressional funding for the purchase of specialized equipment to enhance the capability of state and county agencies to prevent and respond to incidents of terrorism” and “also supports ‘all hazard’ preparedness initiatives”.

At its meeting, your Committee met with the Budget Director, the Civil Defense Administrator, and a Deputy Corporation Counsel.

There was no public testimony.

Your Committee noted that the prior Mayor had executed the attached MOA before receiving Council authorization to apply for and accept the funds. Your

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Committee questioned what impact the unauthorized execution had on the proceedings. Your Committee also questioned why your Committee was being asked to approve the grant after-the-fact.

The Deputy Corporation Counsel stated that if the Department of the Corporation Counsel had been asked to review the document beforehand, it would have advised that formal acceptance would be subject to Council approval.

Your Committee noted that the proposed bill to amend the Fiscal Year 2007 budget is needed in order to effectuate the acceptance of the funds. Your Committee discussed the need to consider revisions to the process to ensure timely and proper acceptance of grant funds.

The Civil Defense Administrator advised that the grant period extends through June 30, 2008. He noted that, over the years, such homeland security funds have allowed two-year periods for expenditure and in some cases, extensions have been allowed. His agency urged that the acceptance of funds be expedited due to rising costs.

The Administrator further advised that the Citizen Corps Program includes support for a community response team and a medical reserve corps. Funds for the Law Enforcement Terrorism Prevention Program are earmarked for law enforcement agencies and programs, and the Civil Defense Agency is currently considering using the funds for critical infrastructure needs. The State Homeland Security Program has been used to support first responder communities and provide equipment for all hazard conditions.

Your Committee notes that a motion to adopt the revised proposed resolution and pass the revised proposed bill on first reading was initially rejected.

Upon reconsideration of the motion, your Committee indicated its desire to accept the grant funds, while noting that it was reluctant to do so because of concerns relating to the premature execution of the document.

The Deputy Corporation Counsel clarified that the adoption of the revised proposed resolution would give the Mayor the authority to review the MOA and make any revisions that may be necessary to secure the grant funds.

The Deputy Corporation Counsel advised that the proposed resolution would not need to be further revised if an amendment to the MOA is needed.

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Your Committee voted to recommend adoption of the revised proposed resolution, passage of the revised proposed bill on first reading, and filing of the communication.

Your Budget and Finance Committee RECOMMENDS the following:

1. That Resolution No. \_\_\_\_\_, as revised herein and attached hereto, entitled "AUTHORIZING THE APPLICATION FOR AND ACCEPTANCE OF THREE GRANTS OF FUNDS FROM THE STATE OF HAWAII, DEPARTMENT OF DEFENSE, OFFICE OF THE DIRECTOR OF DEFENSE RELATING TO STATE HOMELAND SECURITY PROGRAM, LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM AND CITIZEN CORPS PROGRAM", be ADOPTED;
2. That Bill No. \_\_\_\_\_ (2007), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2007 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE CIVIL DEFENSE AGENCY", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
3. That County Communication No. 07-110 be FILED.

Adoption of this report is respectfully requested.

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**JOSEPH PONTANILLA** **Chair**

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**DANNY A. MATEO** **Member**

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**G. RIKI HOKAMA** **Vice-Chair**

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**BILL KAUAKEA MEDEIROS** **Member**

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**MICHELLE ANDERSON** **Member**

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**MICHAEL J. MOLINA** **Member**

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**GLADYS C. BAISA** **Member**

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**MICHAEL P. VICTORINO** **Member**

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**JO ANNE JOHNSON** **Member**