

*MINUTES*

*HOUSING AND HUMAN SERVICES COMMITTEE*

*July 20, 2006*

*Council Chamber, 8<sup>th</sup> floor*

CONVENE: 9:02 a.m.

PRESENT: Councilmember Danny A. Mateo, Chair  
Councilmember Joseph Pontanilla, Vice Chair  
Councilmember Jo Anne Johnson, Member (in 9:16)  
Councilmember Charmaine Tavares, Member  
  
Councilmember Robert Carroll, Nonmember (in 10:11)

EXCUSED: Councilmember G. Riki Hokama, Member

STAFF: Gayle Revels, Legislative Analysts  
Yvette Bantilan, Committee Secretary

ADMIN.: Zeke Kalua, Executive Assistant, Office of the Mayor  
Alice Lee, Director, Department of Housing and Human Concerns  
Edward S. Kushi, Jr., Deputy Corporation Counsel, Department of Corporation  
Counsel

OTHERS: Stuart Funke-d'Egnuff, Program Manager, Tri-Isle Resource Conservation and  
Development

PRESS: Akaku: Maui Community Television, Inc.

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**10**                    ***LICENSE TO TRI-ISLE RESOURCE CONSERVATION AND  
DEVELOPMENT COUNCIL, INC. (LAHAINA) (C.C. No. 05-311)***

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CHAIR MATEO: (gavel) Housing and Human Services Committee for July 20, 2006, will come to order. Members at this particular point in time we have a Committee Member on route to Wailuku. She's currently tied up in traffic, and the request was she like to really participate in the discussion we're gonna have this morning. So at the call of the Chair we will call for a recess and recess will be until 9:15 we'll reconvene. Recess.  
(gavel)

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RECESS: 9:03 a.m.  
RECONVENE: 9:18 a.m.

CHAIR MATEO: (gavel) Meeting of the Housing and Human Services Committee will reconvene. Members, good morning, and thank you very much for that short recess. For the record the Members present this morning the Vice-Chair of the Committee Member Pontanilla, present Member Tavares, Member Johnson, and excused this morning Council Chair Hokama. Also with us this morning from Administration, Corporation Counsel Ed Kushi, from the Department of Housing and Human Concerns Director Lee, and also from Administration the Mayor's office we also have Zeke Kalua with us this morning. And our Staff, our analyst Ms. Revels, and our secretary Ms. Bantilan. Good morning, everybody. Are there any . . . is anyone signed up to testify this morning? No. Thank you, very much. Members, since our gallery is just overflowing this morning, the Chair will just leave public testimony open a few more minutes in the event that, you know, anyone come in and would like to testify.

At this particular point in time, Members, if you look at your agenda, we have just one item on the agenda this morning, Housing and Human Services Number 10, license to Tri-Isle Resource Conservation and Development Council, Inc. (Lahaina). And just to give you a little background or update on this particular item, Members, if you remember January 9, 2006, Director Lee transmitted to this Committee a proposed grant agreement for a license of County real property and a proposed license. The purpose of this was to grant a license to Tri-Isle Resource Conservation and Development Council, Inc. (Na Kupuna O Maui) to occupy the Pioneer Mill Office building located on approximately 15,809 square foot of land in Lahaina that has a fair market value of 44,735 a year, at a nominal rental of \$1 per year for a total . . . for a period of 25 years. If you recall, this Committee met on March 13, 2006, to discuss this item. There were specific issues that the Committee requested from Administration that included an updated inspection report since the original inspection of the site was done on December 7, 1999, six years ago and it was just a visual inspection. Structural inspection was included in our request. Your Chair was concerned that the potential of asbestos and mold was, was present and could present significant concerns. We're also aware of the cost to clean up mold especially since we more recently addressed that problem with the building below us. And the second item that we requested for was a status of the National Registry status. Four months have passed since that last meeting, and up until today I am still not in receipt of information regarding our request, and I was informed that information was in fact provided to Director Lee. So at this point for our update I'd like to ask Ms. Lee if you could provide us with information on the materials that has been provided to you.

MS. LEE: Thank you, Mr. Chair. Good morning, everyone. And I apologize for not transmitting a written response to your May 15<sup>th</sup> letter. We have with us today the person who has been actually assigned to this project by the Mayor's office, who had researched

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the information to provide the answers to your questions in your May 15<sup>th</sup> letter. And if I may, Mr. Chair, I'd like to introduce to you Zeke Kalua, Executive Assistant to the Mayor, who is centrally in charge of this project.

CHAIR MATEO: Thank you. Good morning, Mr. Kalua.

MR. KALUA: Good morning, Mr. Chair. Thank you for the opportunity to speak on this project. We are not in receipt of an updated inspection report for the property in question here. And in response to the other two concerns of the National Registry status and the requirements if the building was to be nominated and approved, at this time there has been no nomination for this building to be in the National Monument Registry, and it is my understanding from our Planning Department that we, the County, will be the one to initiate that nomination and it could be done at any time should the County of Maui choose to do so.

CHAIR MATEO: Thank you, Mr. Kalua. Members, any questions for Mr. Kalua? Ms. Johnson.

COUNCILMEMBER JOHNSON: Yes. Zeke, thanks very much for the update. I know that the last time we had spoken subsequent to the meeting I believe that Na Kupuna, or the entity I think it might be Mr. Funke-d'Egnuff who is in the audience, he was going to try to get a right of entry to go in and possibly do whatever was necessary to get an inspection done. So would it be possible or do you know if they did attempt to do this and if there have been problems, or if there was insufficient funding in order to accomplish this?

MR. KALUA: Mr. Chair.

CHAIR MATEO: Go ahead, Mr. Kalua.

MR. KALUA: Thank you for the question, Councilmember Johnson. It's my understanding that a right of entry was granted to go and do an inspection of the building. I physically have handed off the keys so that that could be done. To this day I have not received any updated information as to whether it was completed or if there were challenges based on the funding. It's my understanding that it's currently being done and is underway, and so unfortunately we don't have that with us today, but this is the status that I have for it.

COUNCILMEMBER JOHNSON: Yeah, and, and may I request, Mr. Chair, because Stuart is in the audience, if he would be able, would you be able Stuart to address us if there's no objections?

CHAIR MATEO: Members, are there any objections to having the representative come down?

VICE-CHAIR PONTANILLA: No.

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CHAIR MATEO: Thank you very much. And if you could identify yourself and the organization you represent.

MR. FUNKE-d'EGNUFF: Good morning, Members and Chair. My name is Stuart Funke-d'Egnuff, and I am the program manager for the Tri-Isle Resource Conservation and Development.

If I can respond to your question regarding the inspections, we did receive a right of entry after the last meeting where you had deferred as a committee the motion on the floor. At that time we did get a right of entry to do an inspection. We went in there with a former member of the Planning Commission, but it was not an official inspection and that is the key thing here is that we needed an official inspection done. So we then contacted Milton Arakawa and he said to contact Ralph Nagamine directly. So we filled out an application and submitted that to Ralph Nagamine. He returned correspondence to us requesting the fee be paid before they would do the inspection. We did have a question at that time whether the fee was appropriate as it was a government department, County department that was inspecting a County property, and so we did have a question on that and so we sent that back to the Mayor's office. Subsequent to that I did receive a letter from one of Ralph Nagamine's staff that said that inspection was just done and that was the 1999 report. I did forward a copy of that 1999 report to the Mayor's office, and I apologize that you people did not get a copy of that. At that time in this report there was no mention of asbestos and/or lead-based paint, and I think those were the two major concerns, cost item.

When we looked into the subject of the National Register, we did find out that it had not been nominated, that the nomination would have to come from the County, and that the liability or the things that would be required under that nomination would be the same for a County-owned building. For example old Maui High has been nominated. And Dawn Duensing is supposedly in the County Planning Department who is the most knowledgeable in what is required of the County. That information was also passed onto the Mayor's office. That's what I have up to date. And again, it is my understanding, and this is second, or third, or fourth person so I don't want to state it as saying that there is going to be a newer inspection other than the 1999 one again referencing back to the fact that there was no asbestos/lead-based paint found at that time.

CHAIR MATEO: Thank you. Ms. Johnson.

COUNCILMEMBER JOHNSON: So Stuart if I understand what you're saying then they do not intend to do an updated inspection because there's been . . .

MR. FUNKE-d'EGNUFF: My understanding is that they are in process of again--

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COUNCILMEMBER JOHNSON: Oh, they are.

MR. FUNKE-d'EGNUFF: --but that is second or third person. I have not heard directly back from the Planning Department that they are gonna be doing an updated inspection.

COUNCILMEMBER JOHNSON: Okay. And did they give you a time, time on when that might be completed?

MR. FUNKE-d'EGNUFF: No.

COUNCILMEMBER JOHNSON: Yeah. 'Cause you know well, because we're nearing the end of the term--

MR. FUNKE-d'EGNUFF: Right.

COUNCILMEMBER JOHNSON: --that's why I'm a little bit concerned. Anyway, thank you very much Stuart.

CHAIR MATEO: Members, any questions, additional questions for the testifier? Thank you very much.

MR. FUNKE-d'EGNUFF: Thank you.

CHAIR MATEO: Thank you. Mr. Kalua if perhaps you could comment. Are you aware whether the Department will be pursuing the actual inspection?

MR. KALUA: Mr. Chair, it's my understanding that the Department is still discussing the fact of the fees which I believe was a question of \$180 in payment. It's my understanding that they had only referenced the 1999 study as they believe by doing a walkthrough which is what they did . . . I wanna say the first week of June . . . they didn't believe that there were any specific changes to the contacts of the building or to the current damages that they had seen. I believe that it would be very prudent of us to do an updated inspection, and at this point I would have to contact the Public Works Director and Ralph Nagamine and see where they are in that process assuming that they have begun it.

CHAIR MATEO: Thank you. And on the question of the building getting on the registry, is that something that you will continue to pursue?

MR. KALUA: I can tell you honestly, Chair, we have not looked at it as being nominated for the registry. I would say that if it is the will of the Council or request then I will get all the information that is required and I could give you a proper update.

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CHAIR MATEO: Thank you. Members, at this particular point the floor is open for whatever questions or considerations that the body may have. Mr. Pontanilla.

VICE-CHAIR PONTANILLA: Thank you, Chair. I agree with Mr. Kalua in regards to having an updated inspection done. As indicated back in 1999, you know, the inspection was conducted visually. We may want to have some structural inspection on the building itself because I believe it's over 50 years old. Seems like there's a lot of work that needs to be done in regards to the building itself not only fixing or repairing the framework, but also the electrical and water systems within the building. And I think with an inspection, updated inspection hopefully we can find out more about the building and exactly what needs to be done to make sure that this building is habitable. Thank you.

CHAIR MATEO: Thank you, Mr. Pontanilla. Members, any additional questions or comments? Ms. Johnson.

COUNCILMEMBER JOHNSON: One of the questions I would have would be for I guess it's Mr. Kushi because I believe you had sent a letter to Mr. Moto in February, and I'm just flipping through, and I didn't . . . I did not see . . . I just see Housing and Human Concerns letters, but do we have a formal response from them?

CHAIR MATEO: Could you reference the--

COUNCILMEMBER JOHNSON: Okay, there's a letter dated February 24, 2006, to Brian Moto from you, Mr. Chair, and you asked three questions. The license for exclusive use of the property, attached inspection report and then . . . oh, then the second one is the three part when you enter into those things, and I can't recall if those were answered actually during the meeting verbally. It may have been that they were answered verbally. I think that they were.

CHAIR MATEO: Yeah, Ms. Johnson, they were, they were responded to by Mr. Kushi during our March meeting.

COUNCILMEMBER JOHNSON: Right.

CHAIR MATEO: However, you know, if you'd like to review the questions--

COUNCILMEMBER JOHNSON: No, that's okay, but I was just wondering if subsequent to that we did have anything in writing, you know, that . . . but irrespective of that, one of the questions I would have now for Mr. Kushi would be that I believe the only thing that was of concern to the Committee was of course the completion of the final inspection. And I'm wondering if we move forward with the lease with a contingency that stated that there be no fundamental I guess differences from the initial inspection, if there were no major changes that the lease would be entered into or the license agreements contingent

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upon the results of that inspection is that a possibility Mr. Kushi? 'Cause otherwise I fear that we're just not gonna be able to move forward with this, and we don't have that many meetings left.

MR. KUSHI: Yes, Mr. Chair, if I may, Member Johnson, I suppose you could proceed on with the consideration of the resolution granting the lease and subject to the lessee, Tri-Isle, reviewing a updated report and agreeing to accept the premises in an as is condition regardless of what that updated report states. Now, if for any reason the lessee . . . let's assume the worse case scenario inspection report reveals hazardous situations, in that case the lessee would either take it or refuse to enter into the lease. But again, the whole premise of this when . . . as I understand it and as it came through the Grants Review Committee and through the departments was that we understand this is not a brand new building, and essentially was sitting there and just rotting away. This organization came in with a proposal and our response was . . . Administration's response was you take it, but you take it as is. And if any improvements need to be done it's on your dime. In the lease itself we, we put as an exhibit this 1999 inspection report so they acknowledge the condition of the building. Now there's nothing to prevent that report from being updated. Again the concerns here are nonprofit taking control of County property, upgrading the County property for a community benefit not at the County's expense, but our concerns would be of course insurance coverage's, and we would, we would recommend to the department that make sure that they have coverage's at all times.

COUNCILMEMBER JOHNSON: Yeah, and that is a part of the license agreement or the grant agreement anyway that they provide that coverage is that correct?

MR. KUSHI: Correct.

COUNCILMEMBER JOHNSON: Okay. Mr. Chair, at this point, because you know even though a visual inspection was done, and because of what Mr. Kushi said, at this point if we could add language into or a caveat into this proposal that would at least allow this to move forward and if . . . and I can actually contact along with Mr. Kalua the people who would be doing an inspection and I can, you know, try to find out that at least before this comes to the Council that the inspection is completed because I really think that would be more prudent. And as Mr. Kushi said, they're taking it as is, but if it was too onerous for Stuart or Na Kupuna to be able to actually do what they needed to do in order to upgrade the building, I think that final inspection report or an updated inspection report would at least give them that opportunity because this is the license agreement that can be, you know, just simply not entered into and not executed. So I give that for your consideration because I know that Na Kupuna is really anxious to get this completed and because it appears that in this case we, government, you know, just . . . we have a little bit of a disagreement about the fees or because the . . . I know that many of the inspectors, because that department is one of them that's understaffed right now, and the engineers who would ordinarily do this they're short I think something like 15 engineers. So I just

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bring that forward to at least move this ahead if the other Members are willing to do that.  
Thank you, Mr. Chair.

CHAIR MATEO: Thank you, Ms. Johnson. Members, any additional questions, comments regarding the building and the proposed proposal? Mr. Pontanilla.

VICE-CHAIR PONTANILLA: For the Tri-Isle Resource person here, I have a question for him.

CHAIR MATEO: Thank you. Members, if no objections we'll call the representative back down.

MR. FUNKE-d'EGNUFF: Again, my name is Stuart Funke-d'Egnuff for the record.

CHAIR MATEO: Thank you.

MR. FUNKE-d'EGNUFF: Tri-Isle RC&D and I'm the program manager.

CHAIR MATEO: Thank you. Mr. Pontanilla.

VICE-CHAIR PONTANILLA: Good morning, Stuart. Quick question, in regards to the building, I note you've gone through the building. Have you . . . do you have any idea how much it's gonna cost to do all of the repairs? And do you have grants that will be available to repair that building?

MR. FUNKE-d'EGNUFF: The cost or the estimate on the building I'm not, I'm not qualified to answer. It's going to be substantial because there's a lot of internal cosmetic work that has to be done. In my walkthrough a lot of the structural is sound. The stairs are sound, the bathroom water turns on or you know whatever so those things (inaudible). We don't have the grants in place, and the reason why you don't have the grants in place is that a lot of time grant funders, and I'm probably talking to the choir here, but a lot of grant funders won't entertain a grant application until you actually have costs and/or subject involved. So there are certain grant funders that will only fund cultural restoration, there are certain funders that will only do brick and mortar, there . . . so the difference we would have to come up with specific costs for specific projects within it and then go out for funding. Does funding exist out there? It is my belief system yes at both the Federal and the State, as well as private funders.

VICE-CHAIR PONTANILLA: So in order to move forward to obtain grants, is it part of the requirements that you also have an agreement with government if this thing were to be turned over to Tri-Isle?

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MR. FUNKE-d'EGNUFF: Yes, it's my understanding that they . . . one of the first things they're gonna ask is do you either have a right of entry or authorization from the landowner, and in this case the--

VICE-CHAIR PONTANILLA: So the right of entry suffice?

MR. FUNKE-d'EGNUFF: Correct.

VICE-CHAIR PONTANILLA: Okay.

MR. FUNKE-d'EGNUFF: That's my belief system and again it would have to be to Council to . . .

VICE-CHAIR PONTANILLA: Approve, yeah. Okay, thank you.

MR. FUNKE-d'EGNUFF: You're welcome.

CHAIR MATEO: Yeah, let me just ask you a real quick question. You just heard Corp. Counsel indicate or reference that the monies or the funds you're gonna need to do repairs and reconstruction and restoration of this particular building will not be County funds. You're prepared to go through State and Federal and private foundations to gather your funds, and you understand that you're not gonna be using County monies?

MR. FUNKE-d'EGNUFF: That is my understanding. A number of times County has mentioned that there is projects that could be community driven however there is no, no funds within the County so we have not, not in our thinking in conversations have not talked about County funds. The only County funds we have talked about is the \$180 for the inspection and, you know, I am . . . I guess I am requesting the County to assist with that.

CHAIR MATEO: Mr. Kalua you heard the request? I'm kidding. Mr. Kushi, comment.

MR. KUSHI: Yes, Mr. Chair. I think we need to clarify that 'cause I hate to have it come back and haunt me like in other matters, but in the proposed license agreement under the general standard reso..., terms and conditions, Exhibit "C", this is a standard provision and it's on item number 16. Let me just read it to you Funding of Improvements. It states that the Lessee shall be solely responsible for the funding of its improvements, maintenance, and operation of the Premises and shall hold the Lessor, the County, harmless from any and all claims whatsoever arising in connection with said activities.

Now your question or Mr. Pontanilla's question is that, or your question was that although we're dealing with the grant here of real property, and there's some value to it, and we're dealing with the grant of real property for long term 25-year license would have some value. Now, two, three years down the line, assuming that license has been

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entered into, I don't think this provision would prevent Tri-Isle or any nonprofit agency from coming into this body for grant of funds for these improvements so I think you need to separate that unless you're saying that, you know, once . . . if we give this license you shall never come back for dollar amounts to make improvements. You understand what I'm saying?

MR. FUNKE-d'EGNUFF: Uh-huh. Uh-huh.

CHAIR MATEO: Thank you, Mr. Kushi. Ms. Johnson.

COUNCILMEMBER JOHNSON: Yes, Stuart, and would funding also be available from OHA? Do you believe that--

MR. FUNKE-d'EGNUFF: I believe that there will be because of the strength of the Na Kupuna organization and community.

COUNCILMEMBER JOHNSON: Okay. And I know through Historical Hawaii Foundation, and Hawaii Community Foundation there may be money available. If some of those funds at some point in time say that irrespective of value of the lease or the license agreement which has a value, you know, in of itself, irrespective of that they would like to see County participation maybe not, you know, multimillion dollar, you know, funding 'cause I know we have invested substantial monies in several of our communities for worthy projects, would, would you then intend at some point if this is not a problem to come back to the County once you've got other funding in place and let's say that they do require some kind of County dollar commitment?

MR. FUNKE-d'EGNUFF: At this point in time no. It would have to depend upon the funder of the other grants. Some require matching funds in terms of absolute dollars. HTA is one of those that requires absolute dollars matching and you have to have that in place. However, other funders for example U.S. Fish & Wildlife and other EPA organizations, etcetera, only have a stipulation that it be participatory. By that it could be in-kind contribution by, for example, somebody who works with Na Kupuna O Maui and that is then counted towards that grant. It, a lot of the grants do not necessarily require a one to one match in terms of actual dollars. It could be in-kind. So this morning I'm looking at not having to come back to the County, but I appreciate what Council is saying is that down the road if there is something that I am not aware of right now I, I, you know, I like the idea of coming back to the County. However, at this point it's not my intention.

COUNCILMEMBER JOHNSON: Thank you very much, Stuart. And with regard to what Mr. Kushi stated, would you have an objection to putting some kind of a contingency clause within this license agreement making it subject to having that updated inspection done for your protection as well as ours?

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MR. FUNKE-d'EGNUFF: No. No objections.

COUNCILMEMBER JOHNSON: Okay, thank you very much.

CHAIR MATEO: Thank you, Ms. Johnson. Members, any additional questions? Comments? I believe that we have a . . . by Ms. Johnson a recommendation that we consider including another condition that would be relative to the need to complete the inspection prior to the building being turned over or accepted by Tri-Isle, and Mr. Kushi also indicated the concern that we need to be sure that the appropriate insurance would be applicable as well. So if the other Members are in consensus that that is an appropriate condition (end of tape, start 1B) if you can just comment on it at this particular point just by indicating yes or no so the Chair can call for a brief recess so we can put the appropriate language together, and get back and address the issue of the resolution. No objections?

COUNCIL MEMBERS: Voiced no objections.

CHAIR MATEO: Thank you. At the call of the Chair brief recess. We'll reconvene at 10 a.m.  
Recess. (gavel)

RECESS:	9:49 a.m.
RECONVENE:	10:02 a.m.

CHAIR MATEO: Members, thank you very much. The meeting of the Housing and Human Services Committee will reconvene. Prior to the break, Members, we had Staff and Mr. Kushi come up with language that we were referencing, and at this particular point in time I'd like to ask Mr. Kushi to provide us with a . . . your recommendation.

MR. KUSHI: Yes, Mr. Chair, based on the discussion of this Committee and talking with your Staff, we would suggest or my office would suggest the following. Instead of revising the resolution that's before you, or revising the grant agreement, we would suggest that in the license agreement, license document itself, which are, is in your binders, it's attached to the January 9<sup>th</sup>, '06, transmittal from Ms. Lee to, to you, Mr. Chair, it's a copy of the original license proposal. At Page 3 where it does reference the March 4<sup>th</sup>, '03, inspection report we would suggest that your Committee Report reflect that the license shall not be executed by the County until that reference to a inspection report is updated and that can be reflected in your Committee Report, and my office would know because we'd have to sign off on this license. In the event that the new, updated inspection report is not acceptable to the licensee, Tri-Isle, then we have no deal. In the event it's so onerous that the Administration would not wanna lease it to anyone, then again we have no deal. For the record we would suggest that the updated report be forwarded to this Committee for information.

CHAIR MATEO: Thank you. And Mr. Kushi, in terms of their, the required insurances . . .

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MR. KUSHI: I believe it's provided for in the license agreement.

CHAIR MATEO: Thank you.

MR. KUSHI: Yeah, initially.

CHAIR MATEO: Members, any questions for Mr. Kushi based on his recommendation? One more item, Mr. Kushi. Also, on that same page--

COUNCILMEMBER TAVARES: Mr. Mateo. Chair, I'm sorry.

CHAIR MATEO: Go ahead, Ms. Tavares.

COUNCILMEMBER TAVARES: Mr. Kushi, when you talked about number 3 on Page 3, and the reference to the inspection report, when you're saying updated or corrected are you referring to the correction that it should say December whatever 1999? Or a new report?

MR. KUSHI: Yeah, Member Tavares, a new report.

COUNCILMEMBER TAVARES: A new report. Okay, thank you.

CHAIR MATEO: Members, any comments? Okay, Members, in hearing none, business at hand is to address, address the resolution and I guess at this particular point the Chair would like to recommend that we adopt the resolution entitled "AUTHORIZING A GRANT OF LICENSE OF COUNTY REAL PROPERTIES *[sic]* TO TRI-ISLE RESOURCE CONSERVATION AND DEVELOPMENT COUNCIL, INC".

VICE-CHAIR PONTANILLA: So moved.

COUNCILMEMBER JOHNSON: So moved.

COUNCILMEMBER TAVARES: Second.

CHAIR MATEO: It's been moved by everybody.

EVERYBODY: (laughter)

CHAIR MATEO: Moved by Member Pontanilla, seconded by Ms. Johnson *[sic]*. Discussion? If I may, I will be, I will be supporting the motion, and I will be doing so with much reservation. I'd be doing so because for the last four months the Chair has been asking for updates, and status reports and that were de..., we just got through dealing with. It's my own belief that although the license or the copy of that license states that the license,

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the licensor will not grant, agree or guarantee that the premises is fit, the premises is habitable, or that the premises is suitable for the use being intended, in all good conscience I have a problem knowingly, allowing our kupuna to be put in a position of perhaps questionable health risks. It's not about one's resourcefulness, it's not about one's strong desire to secure the building. For myself it's about safety and health issues, and I respect our kupuna too much to allow this County to put them in any situation where we're not specifically sure of like issues of asbestos, or mold, structural deficiencies in the building, as well as leaving them with a huge financial burden that will definitely be a challenge. So I have my own personal issues, and personal concerns. However, I do, I do believe that we are gonna move this forward and the Chairman will support the Committee Members in the effort to move the resolution forward. Thank you. Any additional comments? Ms. Tavares.

COUNCILMEMBER TAVARES: Yeah, Mr. Chairman, couple of comments. I think as we get the, the report or as the report is generated, the inspection report, that it would be a very complete kind of report. 'Cause I think one of the first consideration should be is it worth it to restore this building, or should something else be done. And perhaps this issue could be brought up to the GRC since they I think are the ones that handle demolition permits, and ask the GRC if they would be in favor of them demolishing the building should it become a very expensive venture for anyone to do, to undertake. I think that would be the first step, and in that first step of, of acquiring or commissioning an inspection report, you know, I wanted to ask is the Administration supporting this agreement or the use of this building by these folks Tri-Isle and eventually the kupuna?

CHAIR MATEO: Ms. Lee, are you ready to comment?

MS. LEE: The Administration is supporting granting a lease or license to Na Kupuna, but we do have our concerns about, the same concerns that the Chair mentioned, and concerns that can't help but wonder if, if a new building might be better than this one, but if you don't try I suppose to fix it first, and if it's useable, passable, suitable, then, then perhaps it's the better choice for now.

COUNCILMEMBER TAVARES: Uh-huh. Okay, thank you. And, you know, this business about the \$180 for the inspection, I mean can't the Mayor take \$180 out of his contingency fund? Because it supposedly that's what it's for the little things like this that come up.

CHAIR MATEO: Mr. Kalua, ready to comment?

MR. KALUA: Yes, Chair. In answer to your question, Councilmember Tavares, I'm sure we can find \$180.

COUNCILMEMBER TAVARES: Yeah.

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MR. KALUA: During our short recess I sent an e-mail to Mike Miyamoto so that he can confirm why it is that we couldn't just waive the fee, and according to Ralph Nagamine because it's not a County capital improvement project it couldn't be waived and it must be paid.

COUNCILMEMBER TAVARES: Uh-huh.

MR. KALUA: Informally we will find that \$180 and it will be paid for.

COUNCILMEMBER TAVARES: I mean 'cause if not I'd like to contribute to that too. I mean it seems a little crazy that, you know, for the fee part. That inspection could have been finished by now if we got that settled earlier or whatever it was so, yeah, hope we can move forward with it quickly 'cause I think based on that inspection report, and not just a walkthrough kind of thing . . . I mean we need to get the electrical inspection there, the plumbing inspector, not just one guy walking through saying oh, this looks like this, this looks like that, and actually get up on the roof or whatever it takes 'cause we really need good information about this building before, you know, I think a decision is made whether or not to keep it. I mean maybe the CRC would support, you know, demolishing the building, but I would say, you know, we would probably to keep it within the spirit of what's in the West Maui, particularly the attachment that the community has to Pioneer Mill, that the façade of the building might be preserved so that you just get the entry. As you look at the pictures there you know where we use to walking up from the roadway into that building then maybe that is preserved and then the rest of the building is all brand new and just use that, you know, more as a façade, but I think we should consult with the CRC and kind of get a feel for their direction, and the same time do the inspection already so we know what everybody's up against. Thank you, Mr. Chair.

CHAIR MATEO: Thank you, Ms. Tavares. Members, any additional comments? Ms. Johnson.

COUNCILMEMBER JOHNSON: I think because Na Kupuna has long wanted what they view as a historic structure, and because the building, the courthouse building was already granted a lease to another entity that was really what they wanted to begin with. So what drove this was the fact that they did feel a connection, and many of the kupuna their loved ones and some of them actually even at one time were employed by the Mill. So I think that from a historic perspective that's why they really seek to have something of their history that's not just . . . you know I mean we have the senior center which many of the kupuna go to, but it's a little bit different and just from my knowledge of the construction of that building and the walls of that building you would probably spend more money to tear it down because the walls themselves are so . . . I mean they're so thick, and the structural soundness it would be like the armory building or . . . even if you look at old Maui High School, I mean if the bones of the building are solid, then even if you end up having to gut it it's the attachment that the people also feel for that particular

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place. So I think that the comments are well taken and I for one told Mr. Kalua I would see that the \$180 was paid because I think this is something that's really worthwhile, and I will also do my best to get that report submitted so that by the time this does come forward to the full Council at least we'll have that information because I think it's really important in order to make a proper decision. And if the kupuna feel very strongly that this is something that's important to them and they wanna go forward in an as is state, then I, I trust that they will also be here at the full Council meeting. So I thank you very much, Mr. Chair, for at least be, being willing to move this forward because I know that there's a lot of issues with regard to staffing in our Public Works Department and, you know, with the shift of Mr. Couch who actually was dealing with this initially and . . . of course initially it was Ms. Mele Carroll that had this so this has kind of been a long process, but I really do appreciate and I'm sure Na Kupuna appreciate you moving this forward. Thank you very much.

CHAIR MATEO: Thank you, Ms. Johnson. Members, we have . . . the motion on the floor to adopt the resolution. All those in favor say aye.

COUNCIL MEMBERS: Aye.

CHAIR MATEO: Opposed? Thank you very much. Members, any announcements at this time? The only announcement that the Chair will have . . . oh, excuse me. We also need to file the communication. So if there's no objections, the Chair will also include the filing in that motion to adopt.

COUNCIL MEMBERS: No objections.

CHAIR MATEO: Thank you.

<b><i>VOTE:</i></b>	<b><i>AYES:</i></b>	<b><i>Councilmember Johnson, Tavares, and Vice-Chair Pontanilla, and Chair Mateo.</i></b>
	<b><i>NOES:</i></b>	<b><i>None.</i></b>
	<b><i>ABSTAIN:</i></b>	<b><i>None.</i></b>
	<b><i>ABSENT:</i></b>	<b><i>None.</i></b>
	<b><i>EXC.:</i></b>	<b><i>Councilmember Hokama.</i></b>

***MOTION CARRIED.***

***ACTION: ADOPTION of revised proposed resolution; and FILING of communication.***

COUNCILMEMBER JOHNSON: Mr. Chair, do we need to close public testimony too or . . .

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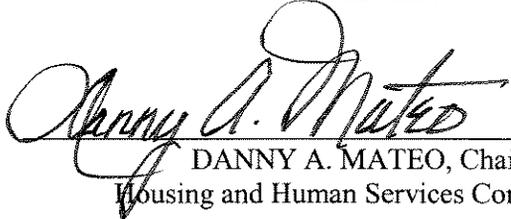
CHAIR MATEO: If there's no objections the Chair will close public testimony at this time.

COUNCIL MEMBERS: No objections.

CHAIR MATEO: Thank you very much. The only announcement the Chair would have is Ms. Johnson's Parks and Economic Development Committee meeting this afternoon at 1:30. Members, thank you very much for your patience, and the meeting of July 20<sup>th</sup>, 2006, of the Housing and Human Services Committee is adjourned. (gavel)

ADJOURNED: 10:16 a.m.

APPROVED:

  
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DANNY A. MATEO, Chair  
Housing and Human Services Committee

hhs:min:060720:yb

Transcribed by: Yvette Bantilan