

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

July 1, 2005

Committee
Report No.

_____ 05-85 _____

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

Chair and Members:

Your Committee of the Whole, having met on June 14, 2005, makes reference to County Communication No. 05-211, from the Mayor transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY AND COUNTY OF HONOLULU AND STATE OF HAWAII FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY HAWAII BROWNSFIELD CLEANUP REVOLVING LOAN FUND PROGRAM".

The purpose of the proposed bill is to authorize an intergovernmental agreement with the City and County of Honolulu and the State of Hawaii for the United States Environmental Protection Agency Hawaii Brownfields Cleanup Revolving Loan Fund Program in the amount of \$2 million.

By correspondence dated June 6, 2005, the Executive Assistant for Environmental Concerns, Office of the Mayor, transmitted a revised proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY AND COUNTY OF HONOLULU AND STATE OF HAWAII FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY HAWAII BROWNFIELDS CLEANUP REVOLVING LOAN FUND PROGRAM".

The revised proposed bill corrects "Brownsfield" to "Brownfields" in all instances.

By undated correspondence received on June 8, 2005, Laura H. Thielen, Director, Office of Planning, State Department of Business, Economic Development & Tourism (DBEDT), provided background information regarding the Hawaii Brownfields Cleanup Revolving Loan Fund Program. The program will provide low-cost loans to eligible public, nonprofit, and private entities for the clean up of contaminated sites or "brownfields" that are poised for redevelopment.

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At its meeting, your Committee met with the Executive Assistant from the Office of the Mayor and the Corporation Counsel.

There was no public testimony.

The Executive Assistant provided a brief overview of the matter. He stated that the Brownfields Cleanup Revolving Loan Fund Program would loan funds to remediate contaminated property. The program was established to encourage clean up and redevelopment of commercial or industrial properties that have been underutilized or abandoned as a result of contamination. At least one County-owned site has been identified as a potential brownfields site. This site is the old Waiale dump site.

Your Committee discussed the criteria for qualifying for loans. The Executive Assistant said that the loan committee would decide the criteria.

Your Committee discussed the terms of loan repayment. The Executive Assistant indicated that he was not aware of the terms of the loan.

Your Committee discussed whether the County is able to cancel the Memorandum of Agreement (agreement) executed between the DBEDT, Office of Planning, Department of Health, the City and County of Honolulu, and the County of Maui. The Corporation Counsel stated that the County may request withdrawal, but cannot unilaterally withdraw from the agreement.

Your Committee discussed whether the County is able to revise the proposed bill to require Council approval to extend the agreement before its automatic termination on June 30, 2007, at the end of the grant period.

Your Committee discussed travel costs for the County representatives to examine potential brownfields sites throughout the State. The Executive Assistant said that State funds would be used for such travel. He also noted that aside from regular staff time, there will not be any new obligation of County funds.

Your Committee agreed to revise the proposed bill to incorporate language that would require the Council to approve any extensions to the agreement, and to allow the County of Maui to unilaterally withdraw from the agreement.

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Your Committee voted to recommend passage of the revised proposed bill and filing of the communication.

Your Committee is in receipt of a revised proposed bill incorporating your Committee's suggested revisions.

Your Committee of the Whole RECOMMENDS the following:

1. That Bill No. _____ (2005), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY AND COUNTY OF HONOLULU AND STATE OF HAWAII FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY HAWAII BROWNFIELDS CLEANUP REVOLVING LOAN FUND PROGRAM", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication No. 05-211 be FILED.

Adoption of this report is respectfully requested.

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MICHAEL J. MOLINA **Chair**

JO ANNE JOHNSON **Member**

DAIN P. KANE **Vice-Chair**

DANNY A. MATEO **Member**

MICHELLE ANDERSON **Member**

JOSEPH PONTANILLA **Member**

ROBERT CARROLL **Member**

CHARMAINE TAVARES **Member**

G. RIKI HOKAMA **Member**