

ALAN M. ARAKAWA  
MAYOR

JOSEPH PONTANILLA  
PROGRAM MANAGER



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Wailuku, Maui, Hawaii USA 96793-2155  
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OFFICE OF THE MAYOR

**OFFICE OF THE MAYOR**  
COUNTY OF MAUI  
**COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

January 30, 2018

Honorable Alan M. Arakawa  
Mayor, County of Maui  
200 South High Street  
Wailuku, Hawaii 96793

RECEIVED  
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COUNTY CLERK

For Transmittal to:

Honorable Mike White, Chair  
and Council Members  
Maui County Council  
200 South High Street  
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL  
*Alan Arakawa* 2/1/18  
Mayor Date

Dear Chair White:

**SUBJECT: COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM FOR THE PROGRAM YEAR 2018/FISCAL YEAR 2019**

I am transmitting a proposed resolution entitled, "AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM".

The purpose of the proposed resolution is to authorize the filing of an application with the Department of Housing and Urban Development (HUD) that includes the recommended projects and amounts for CDBG funding for Program Year 2018 (July 1, 2018 - June 30, 2019). These projects were selected for recommendation via competitive application and panel evaluation process with approval by the Mayor.

The following documents regarding the recommended projects are included for your information: (1) a summary of the applications received for CDBG funding in Program Year 2018; (2) listings of recommended projects and alternate projects with contact information; and (3) documents of significance that address "24 CFR 570.611 conflict of interest."

COUNTY COMMUNICATION NO. 18-71

Honorable Mike White, Chair  
Page 2  
January 30, 2018

The complete proposal applications, rating worksheets, scoring results and other related documents are available for your review. Please be advised that these documents are confidential until the grants have been awarded. If you wish to view these documents, please contact our office.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact me at Ext. 7213.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph Pontanilla". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

JOSEPH PONTANILLA  
CDBG Program Manager

Enclosures

xc: Sananda Baz, Budget Director, w/o Attachments

# Resolution

No. \_\_\_\_\_

AUTHORIZING THE FILING OF AN APPLICATION  
WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT,  
UNITED STATES OF AMERICA,  
FOR A GRANT UNDER THE  
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

WHEREAS, pursuant to Title I, Housing and Community Acts of 1974 and 1977, and Section 7(d), Department of Housing and Urban Development Act, the United States of America has authorized the making of grants to public bodies to aid in financing housing and community development projects; and

WHEREAS, the assistance of the U.S. Department of Housing and Urban Development is desired to aid in the development of several community development projects within the County of Maui; now, therefore,

BE IT RESOLVED BY THE Council of the County of Maui:

1. That it does hereby authorize the Mayor of the County of Maui, or his duly authorized representative, to execute and file an application on behalf of the County of Maui with the U.S. Department of Housing and Urban Development for a grant of ONE MILLION EIGHT HUNDRED THREE THOUSAND NINETY-NINE DOLLARS (\$1,803,099) to aid in the development of the following projects:

**Resolution No. \_\_\_\_\_**

1. County of Maui, Department of Environmental Management \$ 25,000  
Project: Molokai Landfill Trailer Mounted Diesel Tank  
Acquisition of a trailer mounted diesel tank will increase the efficiency and ensure uninterrupted service at the landfill. The diesel powered equipment at the landfill are critical to operations and necessary for environmental compliance.
2. County of Maui, Department of Environmental Management \$ 530,000  
Project: Hana Landfill Bulldozer  
Acquisition of a bulldozer will replace a 14 year old track loader, 4 years past its normal life expectancy. The bulldozer will ensure uninterrupted services at the landfill. Failure to comply with State and Federal regulations is a violation and may subject the county to fines and landfill closure.
3. County of Maui, Department of Environmental Management \$ 400,000  
Project: Molokai Landfill Wheel Loader  
Acquisition of a wheel loader will improve the efficiency of handling cover material, waste, and recyclables. Existing equipment is no longer reliable or cost effective for continuous operation at the facility. Failure to properly manage waste would lead to failure to comply with State and Federal regulations.
4. ARC of Maui County \$ 270,000  
Project: ARC Residential Group Home Safety Improvements Project  
Rehabilitation of the ARC of Maui County facilities to include retrofitting and updating of the fire alarm systems in three intermediate care facility homes and installation of backup battery systems to provide emergency power to six homes.
5. Hale Makua Health Services \$ 212,000  
Project: Hale Makua Kahului Fire Alarm System Upgrade  
Rehabilitation of the Hale Makua Health Services Kahului facility to include upgrade of the fire alarm system which will ensure the safety of the elderly and severely disabled individuals. The existing system is

outdated and has frequent breakdowns.

6.	Hale Makua Health Services Project: Hale Makua Wailuku Fire Alarm System Upgrade Rehabilitation of the Hale Makua Health Services Wailuku facility to include replacement of the existing fire alarm system that is over 20 years old and can no longer be repaired to safely meet the needs and regulations at the facility. \$5,479 is partial funding; total requested amount was \$47,000.	\$ 5,479
7.	CDBG Program Administration	<u>\$ 360,620</u>
	Total	\$1,803,099

Furthermore, as recommended by the U.S. Department of Housing and Urban Development to avoid compromising the performance of the County of Maui CDBG Program in the accomplishment of its objectives, should any of the projects listed above prove not feasible for funding, is not in the position for funding as represented in the CDBG application, or should any funds from prior years become available for reprogramming actions by the CDBG Program Manager during Program Year 2018, the funds may be reallocated among the current open projects if funds have been progressively spent down and upon substantiated need of additional funding for completion of the project, or the current alternate projects may be funded in the order presented herein. If in the absence of viable current alternate projects proposed in the CDBG 2018 Program Year for the consideration of reprogrammable funds, alternate projects from prior years may be considered, but shall be required to first submit an updated application and be evaluated for its project readiness and viability in

**Resolution No. \_\_\_\_\_**

meeting the desired community needs pursuant to the Consolidated Plan. In the assignment of reprogrammable funds, primary considerations shall be the substantiated and justifiable need for additional funding, the readiness of use of funds and the timely expenditure of funds.

If the current alternate projects are not funded during the CDBG 2018 Program Year, the alternate projects will be required to submit an updated application to be considered for reprogrammable funds in future program years.

These Alternate Projects shall be:

1. Hale Makua Health Services \$ 41,521  
Project: Hale Makua Wailuku Fire Alarm System Upgrade  
Rehabilitation of the Hale Makua Health Services Wailuku facility to include replacement of the existing fire alarm system that is over 20 years old and can no longer be repaired to safely meet the needs and regulations at the facility.
  
2. Hale Makua Health Services \$ 107,000  
Project: Hale Makua Wailuku Rehabilitation  
Rehabilitation of the Hale Makua Health Services Wailuku facility to include installation of new flooring, cabinets and a grease trap in the facility's kitchen.
  
3. Hana Health \$ 800,000  
Project: Hana Health Rehabilitation & Support Center  
Construction of the Hana Health Rehabilitation & Support Center will accommodate a multitude of needs including behavioral and mental health services, physical therapy and cardiac rehabilitation, outreach and enabling services, tele-medicine and short term medical respite services for patients transitioning from tertiary care back to their homes in Hana.

**Resolution No.** \_\_\_\_\_

- |    |  |              |
|----|--|--------------|
| 4. | Hale Makua Health Services<br>Project: Hale Makua Kahului Rehabilitation<br>Rehabilitation of the Hale Makua Health Services Kahului facility to include replacement of two doors for the rehab center, over bed light fixtures and replacement of the air conditioning unit for the facility's activity and dining rooms.   | \$ 180,000   |
| 5. | Hale Mahaolu<br>Project: Hale Mahaolu Lahaina Surf Preservation<br>Rehabilitation of the Lahaina Surf to include asbestos removal.   | \$ 300,000   |
| 6. | Ka Hale A Ke Ola Homeless Resource Centers, Inc.<br>Project: KHAKO Renewal Project Phase 3<br>Rehabilitation of the Ka Hale A Ke Ola Homeless Resource Center facility to include rehabilitation of Buildings 3 (8 two bedroom units), 5 (8 two bedroom units) and 6 (12 studio units).  | \$ 885,468   |
| 7. | Boys & Girls Clubs of Maui, Inc.<br>Project: Paukukalo Clubhouse Construction Project<br>Construction of a stand-alone facility for the Boys & Girls Clubs of Maui, Paukukalo club.  | \$ 1,000,000 |
| 8. | Kaupo Community Association, Inc.<br>Project: Infrastructure Related to Old Kaupo School Restoration<br>Rehabilitation of the Old Kaupo School to include an off-grid photovoltaic based energy generation, storage and distribution system; a water storage, filtration, pressurization and distribution system; and a conforming septic system with distribution piping. | \$ 475,000   |
| 9. | Hawaiian Community Assets, Inc.<br>Project: Increasing the Financial Capacity Of Homeless Families to Secure Permanent Housing<br>Administration for increasing the financial capacity of homeless families.   | \$ 59,184    |

Total \$3,848,173

**Resolution No. \_\_\_\_\_**

2. That the Mayor, or his duly authorized representative, is also hereby authorized to receive and accept any grant award, to execute and file all understandings and assurances contained therein, and to furnish such information as the U.S. Department of Housing and Urban Development may request in connection with the application which is herein authorized to be filed; and further, the Mayor is hereby authorized to accept the grant upon its approval by the U.S. Department of Housing and Urban Development, and to execute all documents necessary for the acceptance and implementation of any grant award received pursuant to the application filed; and

3. That the Mayor, or his duly authorized representative, is hereby authorized to execute any and all documents necessary to process and accept such funds, including any amendments thereto; and

4. That in as much as the amount of the grant specified herein above may vary when finally approved, the authorizations herein granted shall be applicable to the amount or amounts specified in the notification of grant award or similar comparable document, including any contingency funds that the U.S. Department of Housing and Urban Development may allocate, and that such amounts may be expended if appropriated under the terms of the budget ordinance or any amendment thereof; and

5. That certified copies of this resolution be transmitted to the Mayor, the Director of Finance, the Budget Director and the CDBG Program Manager.



**Resolution No.** \_\_\_\_\_

APPROVED AS TO FORM  
AND LEGALITY:



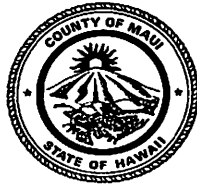
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Jennifer Oana  
Deputy Corporation Counsel  
COUNTY OF MAUI

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ALAN M. ARAKAWA  
MAYOR

JOSEPH PONTANILLA  
PROGRAM MANAGER



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Wailuku, Maui, Hawaii USA 96793-2155  
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**OFFICE OF THE MAYOR**  
COUNTY OF MAUI  
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

**Applications Received for CDBG Funding in Program Year 2018**

Ten (14) applications were received for consideration

**Project proposals meeting minimum threshold factors and approved by Panel:**

A. Recommended for full funding (in ranking order):

	<u>Amount</u>
1. COM, Department of Environmental Management - Molokai Landfill Trailer Mounted Diesel Tank	\$ 25,000
2. COM, Department of Environmental Management - Hana Landfill Bulldozer	\$ 530,000
3. COM, Department of Environmental Management - Molokai Landfill Wheel Loader	\$ 400,000
4. ARC of Maui County - ARC Residential Group Home Safety Improvements Project	\$ 270,000
5. Hale Makua Health Services - Hale Makua Kahului Fire Alarm System Upgrade	\$ 212,000

B. Recommended for partial funding:

6. Hale Makua Health Services - Hale Makua Wailuku Fire Alarm System Upgrade	<u>\$ 5,479</u>
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Funds available for projects \$1,442,479

C. - CDBG Administration – Not to exceed 20 percent of the annual grant amount \$ 360,620

**ESTIMATED CDBG ALLOCATION FROM HUD FOR PROGRAM YEAR 2018 – TOTAL \$1,803,099**

**Project proposals meeting minimum threshold factors and proposed as Alternates:**

Alternate Projects (in ranking order):

6. Hale Makua Health Services - Hale Makua Wailuku Fire Alarm System Upgrade	\$ 41,521
7. Hale Makua Health Services - Hale Makua Wailuku Rehabilitation	\$ 107,000
8. Hana Health - Hana Health Rehabilitation & Support Center	\$ 800,000
9. Hale Makua Health Services - Hale Makua Kahului Rehabilitation	\$ 180,000
10. Hale Mahaolu - Hale Mahaolu Lahaina Surf Preservation	\$ 300,000
11. Ka Hale A Ke Ola Homeless Resource Centers, Inc. - KHAKO Renewal Project Phase 3	\$ 885,468
12. Boys & Girls Clubs of Maui, Inc. - Paukukalo Clubhouse Construction Project	\$ 1,000,000
13. Kaupo Community Association, Inc. - Infrastructure Related to Old Kaupo School Restoration	\$ 475,000
14. Hawaiian Community Assets, Inc. - Increasing the Financial Capacity of Homeless Families to Secure Permanent Housing	<u>\$ 59,184</u>
	<b>\$ 3,848,173</b>

Note: As recommended by HUD, alternated projects are identified to facilitate funding should projects

proposed for funding not be viable upon official HUD award or other reprogramming funds become available.

**TOTAL FUNDING REQUESTED FOR Program Year 2018**

**\$5,290,652**

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)  
RECOMMENDED PROJECTS FOR FUNDING  
PROGRAM YEAR 2018

PROJECT NAME	APPLICANT	CONTACT PERSON/ POSITION TITLE	ADDRESS/TELEPHONE
1. Molokai Landfill Trailer Mounted Diesel Tank	COM, Department of Environmental Management	Kolo Pupunu Landfill Operations Supervisor	2050 Main Street Wailuku, HI 96793 Ph# (808) 270-4563
2. Hana Landfill Bulldozer	COM, Department of Environmental Management	Kolo Pupunu Landfill Operations Supervisor	2050 Main Street Wailuku, HI 96793 Ph# (808) 270-4563
3. Molokai Landfill Wheel Loader	COM, Department of Environmental Management	Kolo Pupunu Landfill Operations Supervisor	2050 Main Street Wailuku, HI 96793 Ph# (808) 270-4563
4. ARC Residential Group Home Safety Improvements Project	ARC of Maui County	Robert Lane Chief Executive Officer	95 Mahalani Street, Suite 17 Wailuku, HI 96793 Ph# (808) 242-5781
5. Hale Makua Kahului Fire Alarm System Upgrade	Hale Makua Health Services	Mark Souza Director of Maintenance & Engineering	472 Kaulana Street Kahului, Hawaii 96732 Ph# (808) 871-9266
6. Hale Makua Wailuku Fire Alarm System Upgrade - (partial funding)	Hale Makua Health Services	Mark Souza Director of Maintenance & Engineering	472 Kaulana Street Kahului, Hawaii 96732 Ph# (808) 871-9266

ALTERNATE PROJECTS

PROJECT NAME	APPLICANT	CONTACT PERSON/ POSITION TITLE	ADDRESS/TELEPHONE
6. Hale Makua Wailuku Fire Alarm System Upgrade - (funding shortfall portion – 1 <sup>st</sup> Alternate)	Hale Makua Health Services	Mark Souza Director of Maintenance & Engineering	472 Kaulana Street Kahului, Hawaii 96732 Ph# (808) 871-9266
7. Hale Makua Wailuku Rehabilitation	Hale Makua Health Services	Mark Souza Director of Maintenance & Engineering	472 Kaulana Street Kahului, Hawaii 96732 Ph# (808) 871-9266

**COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)  
ALTERNATE PROJECTS  
PROGRAM YEAR 2018**

8. Hana Health Rehabilitation & Support Center	Hana Health	Cheryl Vasconcellos Executive Director	P.O. Box 807 Hana, HI 96713 Ph# (808) 248-7515
9. Hale Makua Kahului Rehabilitation	Hale Makua Health Services	Mark Souza Director of Maintenance & Engineering	472 Kaulana Street Kahului, Hawaii 96732 Ph# (808) 871-9266
10. Hale Mahaolu Lahaina Surf Preservation	Hale Mahaolu	Roy Katsuda Executive Director	200 Hina Avenue Kahului, HI 96732 Ph# (808) 579-8414
11. KHAKO Renewal Project Phase 3	Ka Hale A Ke Ola Homeless Resource Centers, Inc.	Monique Yamashita Chief Executive Officer	670 Waiale Road Wailuku, HI 96793 Ph# (808) 446-8133
12. Paukukalo Clubhouse Construction	Boys & Girls Clubs of Maui, Inc.	Kelly Pearson Chief Executive Officer	100 Kanaloa Avenue Kahului, HI 96732 Ph# (808) 242-4363
13. Infrastructure Related to Old Kaupo School Restoration	Kaupo Community Association, Inc.	Jonathan Starr Restoration Project Manager	P.O. Box 787 Kula, HI 96790 Ph# (808) 283-1183
14. Increasing the Financial Capacity of Homeless Families to Secure Permanent Housing	Hawaiian Community Assets, Inc.	Jeff Gilbreath Executive Director	200 N. Vineyard Boulevard, Suite A300 Wailuku, HI 96793 Ph# (808) 587-7653

## CONFLICT OF INTEREST QUESTIONNAIRE

### **County of Maui CDBG Statement on Conflict of Interest, quotation of 24 CFR § 570.611 and the Conflict of Interest Questionnaire**

Federal, State and County regulations prohibits employees and public officials from participating on behalf of the County of Maui in any transaction in which they have a financial interest in or perception thereof. This questionnaire must be completed and submitted by each applicant for County of Maui Community Development Block Grant (CDBG) funding as Attachment P. The purpose of this questionnaire is to determine if the applicant, or any of the applicant's staff, or any of the applicant's Board of Directors would be in conflict of interest. Carefully read and understand the following:

#### **HUD REGULATION REGARDING CONFLICT OF INTEREST**

##### **24 CFR § 570.611 Conflict of interest**

*(a) Applicability. (1) In the procurement of supplies, equipment, construction, and services by recipients and by subrecipients, the conflict of interest provisions in 24 CFR 85.36 and 24 CFR 84.42, respectively, shall apply. (2) In all cases not governed by 24 CFR 85.36 and 84.42, the provisions of this section shall apply. Such cases include the acquisition and disposition of real property and the provision of assistance by the recipient or by its subrecipients to individuals, businesses, and other private entities under eligible activities that authorize such assistance (e.g., rehabilitation, preservation, and other improvements of private properties or facilities pursuant to Sec. 570.202; or grants, loans, and other assistance to businesses, individuals, and other private entities pursuant to Sec. 570.203, 570.204, 570.455, or 570.703(i)).*

*(b) Conflicts prohibited. The general rule is that no persons described in paragraph (c) of this section who exercise or have exercised any functions or responsibilities with respect to CDBG activities assisted under this part, or who are in a position to participate in a decisionmaking process or gain inside information with regard to such activities, may obtain a financial interest or benefit from a CDBG-assisted activity, or have a financial interest in any contract, subcontract, or agreement with respect to a CDBG-assisted activity, or with respect to the proceeds of the CDBG-assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter. For the UDAG program, the above restrictions shall apply to all activities that are a part of the UDAG project, and shall cover any such financial interest or benefit during, or at any time after, such person's tenure.*

*(c) Persons covered. The conflict of interest provisions of paragraph (b) of this section apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the recipient, or of any designated public agencies, or of subrecipients that are receiving funds under this part.*

*(d) Exceptions. Upon the written request of the recipient, HUD may grant an exception to the provisions of paragraph (b) of this section on a case-by-case basis*

when it has satisfactorily met the threshold requirements of (d)(1) of this section, taking into account the cumulative effects of paragraph (d)(2) of this section.

**(1) Threshold requirements.** HUD will consider an exception only after the recipient has provided the following documentation:

- (i) A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made; and
- (ii) An opinion of the recipient's attorney that the interest for which the exception is sought would not violate State or local law.

**(2) Factors to be considered for exceptions.** In determining whether to grant a requested exception after the recipient has satisfactorily met the requirements of paragraph (d)(1) of this section, HUD shall conclude that such an exception will serve to further the purposes of the Act and the effective and efficient administration of the recipient's program or project, taking into account the cumulative effect of the following factors, as applicable:

- (i) Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project that would otherwise not be available;
- (ii) Whether an opportunity was provided for open competitive bidding or negotiation;
- (iii) Whether the person affected is a member of a group or class of low- or moderate-income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;
- (iv) Whether the affected person has withdrawn from his or her functions or responsibilities, or the decisionmaking process with respect to the specific assisted activity in question;
- (v) Whether the interest or benefit was present before the affected person was in a position as described in paragraph (b) of this section.
- (vi) Whether undue hardship will result either to the recipient or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and

Any other relevant considerations.

After reading and understanding the **HUD REGULATION REGARDING CONFLICT OF INTEREST** (24 CFR § 570.611) above please answer the following questions:

1. Is there any member(s) of the applicant's staff or any member(s) of the applicant's Board of Directors or governing body who is or has/have been within one year of the date of this questionnaire (a) a County of Maui employee or consultant, (b) a Maui County Council member, (c) an appointee of the Mayor of Maui County, and/or (d) a member of a County of Maui Board(s) and/or Commission(s)?

Yes                       No

If yes, please list the name(s) and information requested below:

Name of person	Job Title of person	Indicate County of Maui employee (appointee or civil service) or consultant, Maui County Council member and/or a member of a County of Maui Board(s) and Commission(s).
Michael Victorino	Vice President	Maui County Council Member

2. Will the CDBG funds requested by the applicant be used to award a subcontract to any individual(s) or business affiliate(s) who is/are currently or has/have been within one year of the date of this application (a) a County of Maui employee or consultant, (b) a Maui County Council member, (c) an appointee of the Mayor of Maui County, and/or (d) a member of a County of Maui Board(s) and/or Commission(s)?

Yes                       No

If yes, please list the name(s) and information requested below:



Name of person	Job Title of person	Indicate County of Maui employee (appointee or civil service) or consultant, Maui County Council member and/or a member of a County of Maui Board(s) and Commission(s).

3. Is there any member(s) of the applicant's staff or member(s) of the applicant's Board of Directors or other governing body who are business partners, doing or has done business with (a) a County of Maui employee or consultant, (b) a Maui County Council member (c) an appointee of the Mayor of Maui County, and/or (d) a member of a County of Maui Board(s) and Commission(s)?

Yes       No

If yes, please list the name(s) and information requested below:

Name of member	Indicate County of Maui employee (appointee or civil service) or consultant, Maui County Council member and/or a member of a County of Maui Board(s) and Commission(s).	Indicate type of tie (Family or Business)	If family, indicate relationship


4. If there is a significant conflict of interest present, as indicated by answering **Yes** to any of the three (3) questions above, what have you done or will propose to do in order to address the conflict of interest? Please explain in detail. You may provide supplemental information as an Attachment to this questionnaire.

Mr. Victorino's term as County of Maui Council Member expired on January 2nd, 2017. To avoid conflict of interest the past, Mr. Victorino abstained from all County Council voting in any matter relating to Ka Hale A Ke Ola Homeless Resource Centers.

I have fully read and understood the HUD regulation regarding conflict of interest, 24 CFR 570.611 and have answered all of the questions truthfully to the best of my knowledge. **Failure to disclose conflicts of interest, intentionally or unintentionally, will result in disqualification of your application and will be immediately rejected.** The date of this attachment must correspond exactly to the date of the CDBG application.

Name of Applicant: Ka Hale A Ke Ola Homeless Resource Centers  
 Signature of Applicant's Representative: [Handwritten Signature]

Title CEO Date 11/23/2017

## CONFLICT OF INTEREST QUESTIONNAIRE

### **County of Maui CDBG Statement on Conflict of Interest, quotation of 24 CFR § 570.611 and the Conflict of Interest Questionnaire**

Federal, State and County regulations prohibits employees and public officials from participating on behalf of the County of Maui in any transaction in which they have a financial interest in or perception thereof. This questionnaire must be completed and submitted by each applicant for County of Maui Community Development Block Grant (CDBG) funding as Attachment P. The purpose of this questionnaire is to determine if the applicant, or any of the applicant's staff, or any of the applicant's Board of Directors would be in conflict of interest. Carefully read and understand the following:

### **HUD REGULATION REGARDING CONFLICT OF INTEREST**

#### **24 CFR § 570.611 Conflict of interest**

*(a) Applicability. (1) In the procurement of supplies, equipment, construction, and services by recipients and by subrecipients, the conflict of interest provisions in 24 CFR 85.36 and 24 CFR 84.42, respectively, shall apply. (2) In all cases not governed by 24 CFR 85.36 and 84.42, the provisions of this section shall apply. Such cases include the acquisition and disposition of real property and the provision of assistance by the recipient or by its subrecipients to individuals, businesses, and other private entities under eligible activities that authorize such assistance (e.g., rehabilitation, preservation, and other improvements of private properties or facilities pursuant to Sec. 570.202; or grants, loans, and other assistance to businesses, individuals, and other private entities pursuant to Sec. 570.203, 570.204, 570.455, or 570.703(i)).*

*(b) Conflicts prohibited. The general rule is that no persons described in paragraph (c) of this section who exercise or have exercised any functions or responsibilities with respect to CDBG activities assisted under this part, or who are in a position to participate in a decisionmaking process or gain inside information with regard to such activities, may obtain a financial interest or benefit from a CDBG-assisted activity, or have a financial interest in any contract, subcontract, or agreement with respect to a CDBG-assisted activity, or with respect to the proceeds of the CDBG-assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter. For the UDAG program, the above restrictions shall apply to all activities that are a part of the UDAG project, and shall cover any such financial interest or benefit during, or at any time after, such person's tenure.*

*(c) Persons covered. The conflict of interest provisions of paragraph (b) of this section apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the recipient, or of any designated public agencies, or of subrecipients that are receiving funds under this part.*

*(d) Exceptions. Upon the written request of the recipient, HUD may grant an exception to the provisions of paragraph (b) of this section on a case-by-case basis*

1. Is there any member(s) of the applicant's staff or any member(s) of the applicant's Board of Directors or governing body who is or has/have been within one year of the date of this questionnaire (a) a County of Maui employee or consultant, (b) a Maui County Council member, (c) an appointee of the Mayor of Maui County, and/or (d) a member of a County of Maui Board(s) and/or Commission(s)?

Yes                       No

If yes, please list the name(s) and information requested below:

Name of person	Job Title of person	Indicate County of Maui employee (appointee or civil service) or consultant, Maui County Council member and/or a member of a County of Maui Board(s) and Commission(s).
Jonathan Starr	Board Member, Restoration Chair	Maui Redevelopment Agency Member for the Wailuku Redevelopment Area
Elise Moniz	Board Member, Secretary	Maui County Water Dept
Linda Clark	Board President/Chair	Hana Advisory Committee to the Maui Planning Commission (Advisory)

2. Will the CDBG funds requested by the applicant be used to award a subcontract to any individual(s) or business affiliate(s) who is/are currently or has/have been within one year of the date of this application (a) a County of Maui employee or consultant, (b) a Maui County Council member, (c) an appointee of the Mayor of Maui County, and/or (d) a member of a County of Maui Board(s) and/or Commission(s)?

Yes                       No

If yes, please list the name(s) and information requested below:

Name of person	Job Title of person	Indicate County of Maui employee (appointee or civil service) or consultant, Maui County Council member and/or a member of a County of Maui Board(s) and Commission(s).

3. Is there any member(s) of the applicant's staff or member(s) of the applicant's Board of Directors or other governing body who are business partners, doing or has done business with (a) a County of Maui employee or consultant, (b) a Maui County Council member (c) an appointee of the Mayor of Maui County, and/or (d) a member of a County of Maui Board(s) and Commission(s)?

Yes       No

If yes, please list the name(s) and information requested below:

Name of member	Indicate County of Maui employee (appointee or civil service) or consultant, Maui County Council member and/or a member of a County of Maui Board(s) and Commission(s).	Indicate type of tie (Family or Business)	If family, indicate relationship


4. If there is a significant conflict of interest present, as indicated by answering **Yes** to any of the three (3) questions above, what have you done or will propose to do in order to address the conflict of interest? Please explain in detail. You may provide supplemental information as an Attachment to this questionnaire.

SEE FOLLOWING PAGE

I have fully read and understood the HUD regulation regarding conflict of interest, 24 CFR 570.611 and have answered all of the questions truthfully to the best of my knowledge. **Failure to disclose conflicts of interest, intentionally or unintentionally, will result in disqualification of your application and will be immediately rejected.** The date of this attachment must correspond exactly to the date of the CDBG application.

Name of Applicant: Linda A Clark

Signature of Applicant's Representative \_\_\_\_\_

Title President Date 11-27-17

**Addition to Conflict of Interest Questionnaire:**

**4. Jonathan Starr is a member of the Board of Directors of Kaupo Community Association, Inc. and is the School Restoration Committee Chair and Project Manager for the Old Kaupo School Project. He also serves as an unpaid volunteer member of the Maui Redevelopment Agency. The Maui Redevelopment Agency was formed under Hawaii Revised Statute HRS 53-2, the State Urban Renewal Law, and has responsibility and duties related solely to designated Urban Redevelopment Areas. There is only one of these in Maui County, the Wailuku Redevelopment Area, which is part of the central core of the County, the Wailuku Redevelopment Area, which is part of the central core of Wailuku Town, on the opposite end of Maui from Kaupo. This agency encourages the revitalization of the streetscape of the Wailuku town core.**

**Linda Clark, Board President of Kaupo Community Association, Inc. serves as a volunteer on the Hana District Advisory Committee to the Maui Planning Commission. This body renders advice to the Maui Planning Commission on zoning and planning entitlements in the Hana district.**

**Elise Moniz, Board Secretary of Kaupo Community Association, Inc., an an employee of the Maui County Department of Water.**

**Kaupo Community Association, Inc. contacted Maui Corporation Counsel for advice on this matter, and verbal advice was received from First Deputy Corporation Counsel Ed Kushi and Deputy Mike Hopper, who staff the agencies mentioned above, and advise the members. They felt that it would be difficult to foresee any circumstance where there could be connectivity, information flow, influence or relevance between service on these volunteer citizens' bodies and the functioning of the CDBG process, or to the service project undertaken by the Kaupo Community Association, Inc. to restore the old school buildings and provide necessary off-grid infrastructure for them in remote, rural Kaupo.**

**If the Kaupo Community Association, Inc. is chosen to enter into agreement to received CDBG funding, the Association will again consult with Maui County Corporation Counsel and the Maui CDBG office, to find the most appropriate manner for public disclosure to fully satisfy HUD requirements and the public trust. Additionally, if in the future any potential situation develops where the perception or fact of conflict of interest could occur, Starr, Clark and Moniz will work with Corporation Counsel to further disclose this potential conflict and recuse themselves from any Association, Project, or Board or Commission action that would be involved or related.**



## CONFLICT OF INTEREST QUESTIONNAIRE

### **County of Maui CDBG Statement on Conflict of Interest, quotation of 24 CFR § 570.611 and the Conflict of Interest Questionnaire**

Federal, State and County regulations prohibits employees and public officials from participating on behalf of the County of Maui in any transaction in which they have a financial interest in or perception thereof. This questionnaire must be completed and submitted by each applicant for County of Maui Community Development Block Grant (CDBG) funding as Attachment P. The purpose of this questionnaire is to determine if the applicant, or any of the applicant's staff, or any of the applicant's Board of Directors would be in conflict of interest. Carefully read and understand the following:

### **HUD REGULATION REGARDING CONFLICT OF INTEREST**

#### **24 CFR § 570.611 Conflict of interest**

*(a) Applicability. (1) In the procurement of supplies, equipment, construction, and services by recipients and by subrecipients, the conflict of interest provisions in 24 CFR 85.36 and 24 CFR 84.42, respectively, shall apply. (2) In all cases not governed by 24 CFR 85.36 and 84.42, the provisions of this section shall apply. Such cases include the acquisition and disposition of real property and the provision of assistance by the recipient or by its subrecipients to individuals, businesses, and other private entities under eligible activities that authorize such assistance (e.g., rehabilitation, preservation, and other improvements of private properties or facilities pursuant to Sec. 570.202; or grants, loans, and other assistance to businesses, individuals, and other private entities pursuant to Sec. 570.203, 570.204, 570.455, or 570.703(i)).*

*(b) Conflicts prohibited. The general rule is that no persons described in paragraph (c) of this section who exercise or have exercised any functions or responsibilities with respect to CDBG activities assisted under this part, or who are in a position to participate in a decisionmaking process or gain inside information with regard to such activities, may obtain a financial interest or benefit from a CDBG-assisted activity, or have a financial interest in any contract, subcontract, or agreement with respect to a CDBG-assisted activity, or with respect to the proceeds of the CDBG-assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter. For the UDAG program, the above restrictions shall apply to all activities that are a part of the UDAG project, and shall cover any such financial interest or benefit during, or at any time after, such person's tenure.*

*(c) Persons covered. The conflict of interest provisions of paragraph (b) of this section apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the recipient, or of any designated public agencies, or of subrecipients that are receiving funds under this part.*

*(d) Exceptions. Upon the written request of the recipient, HUD may grant an exception to the provisions of paragraph (b) of this section on a case-by-case basis*

when it has satisfactorily met the threshold requirements of (d)(1) of this section, taking into account the cumulative effects of paragraph (d)(2) of this section.

**(1) Threshold requirements.** HUD will consider an exception only after the recipient has provided the following documentation:

- (i) A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made; and
- (ii) An opinion of the recipient's attorney that the interest for which the exception is sought would not violate State or local law.

**(2) Factors to be considered for exceptions.** In determining whether to grant a requested exception after the recipient has satisfactorily met the requirements of paragraph (d)(1) of this section, HUD shall conclude that such an exception will serve to further the purposes of the Act and the effective and efficient administration of the recipient's program or project, taking into account the cumulative effect of the following factors, as applicable:

- (i) Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project that would otherwise not be available;
- (ii) Whether an opportunity was provided for open competitive bidding or negotiation;
- (iii) Whether the person affected is a member of a group or class of low- or moderate-income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;
- (iv) Whether the affected person has withdrawn from his or her functions or responsibilities, or the decisionmaking process with respect to the specific assisted activity in question;
- (v) Whether the interest or benefit was present before the affected person was in a position as described in paragraph (b) of this section.
- (vi) Whether undue hardship will result either to the recipient or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and

Any other relevant considerations.

After reading and understanding the **HUD REGULATION REGARDING CONFLICT OF INTEREST** (24 CFR § 570.611) above please answer the following questions:

1. Is there any member(s) of the applicant's staff or any member(s) of the applicant's Board of Directors or governing body who is or has/have been within one year of the date of this questionnaire (a) a County of Maui employee or consultant, (b) a Maui County Council member, (c) an appointee of the Mayor of Maui County, and/or (d) a member of a County of Maui Board(s) and/or Commission(s)?

Yes                       No

If yes, please list the name(s) and information requested below:

Name of person	Job Title of person	Indicate County of Maui employee (appointee or civil service) or consultant, Maui County Council member and/or a member of a County of Maui Board(s) and Commission(s).
Don Couch	Member, Board of Directors	County of Maui employee (Office of the Mayor)
Tivoli Faaumu	Member, Board of Directors	County of Maui employee (Chief, Maui Police Department)
Jeff Murray	Member, Board of Directors	County of Maui employee (Chief, Maui Fire Department)

2. Will the CDBG funds requested by the applicant be used to award a subcontract to any individual(s) or business affiliate(s) who is/are currently or has/have been within one year of the date of this application (a) a County of Maui employee or consultant, (b) a Maui County Council member, (c) an appointee of the Mayor of Maui County, and/or (d) a member of a County of Maui Board(s) and/or Commission(s)?

Yes                       No

If yes, please list the name(s) and information requested below:

Name of person	Job Title of person	Indicate County of Maui employee (appointee or civil service) or consultant, Maui County Council member and/or a member of a County of Maui Board(s) and Commission(s).

3. Is there any member(s) of the applicant's staff or member(s) of the applicant's Board of Directors or other governing body who are business partners, doing or has done business with (a) a County of Maui employee or consultant, (b) a Maui County Council member (c) an appointee of the Mayor of Maui County, and/or (d) a member of a County of Maui Board(s) and Commission(s)?

Yes       No

If yes, please list the name(s) and information requested below:

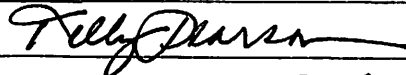
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4. If there is a significant conflict of interest present, as indicated by answering **Yes** to any of the three (3) questions above, what have you done or will propose to do in order to address the conflict of interest? Please explain in detail. You may provide supplemental information as an Attachment to this questionnaire.

All members of the Boys & Girls Clubs of Maui, Inc., Board of Directors are required to sign and adhere to “A Matter of Trust: Our Code of Ethics.” The purpose of this document is to help ensure that all Board Members of the Boys & Girls Clubs of Maui, Inc. adhere to and promote proper ethical standards, abide by the law, and preserve the organization’s integrity, reputation, professional and business relationships.

The section of the Code that directly relates to Conflicts of Interest states: 1. I will not place my personal interests in conflict with the interest of BGCM and will avoid any conduct that may impair my judgment with respect to BGCM. 2. I will not, directly or indirectly, benefit improperly from my position or from any sale, purchase or other activity of the organization. 3. I will avoid situations involving impropriety or conflict between duty to the organization and personal interest. 4. I will not use my position, knowledge, or materials as a director to benefit other non-profits or any other organization. 5. I will not accept from or give to any current or potential supplier, customer, competitor, or donor any payment, service, gratuity, gift or favor. 6. I will not ask for or receive cash, kickbacks, bribes, gifts or favors. 7. I will avoid any outside business relationships with donors, other businesses or competitors if that relationship creates a conflict of interest by influencing decisions made by me in the performance of my regular duties for BGCM.

I have fully read and understood the HUD regulation regarding conflict of interest, 24 CFR 570.611 and have answered all of the questions truthfully to the best of my knowledge. **Failure to disclose conflicts of interest, intentionally or unintentionally, will result in disqualification of your application and will be immediately rejected.** The date of this attachment must correspond exactly to the date of the CDBG application.

Name of Applicant: Boys & Girls Clubs of Maui  
Signature of Applicant's Representative   
Title Chief Executive Officer Date 11.27.2017

## CONFLICT OF INTEREST QUESTIONNAIRE

### **County of Maui CDBG Statement on Conflict of Interest, quotation of 24 CFR § 570.611 and the Conflict of Interest Questionnaire**

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*(b) Conflicts prohibited. The general rule is that no persons described in paragraph (c) of this section who exercise or have exercised any functions or responsibilities with respect to CDBG activities assisted under this part, or who are in a position to participate in a decisionmaking process or gain inside information with regard to such activities, may obtain a financial interest or benefit from a CDBG-assisted activity, or have a financial interest in any contract, subcontract, or agreement with respect to a CDBG-assisted activity, or with respect to the proceeds of the CDBG-assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter. For the UDAG program, the above restrictions shall apply to all activities that are a part of the UDAG project, and shall cover any such financial interest or benefit during, or at any time after, such person's tenure.*

*(c) Persons covered. The conflict of interest provisions of paragraph (b) of this section apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the recipient, or of any designated public agencies, or of subrecipients that are receiving funds under this part.*

*(d) Exceptions. Upon the written request of the recipient, HUD may grant an exception to the provisions of paragraph (b) of this section on a case-by-case basis*

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- (i) Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project that would otherwise not be available;*
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Yes       No

If yes, please list the name(s) and information requested below:

Name of person	Job Title of person	Indicate County of Maui employee (appointee or civil service) or consultant, Maui County Council member and/or a member of a County of Maui Board(s) and Commission(s).
Anthony Arakaki	Executive Assistant	County of Maui Employee

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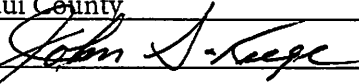
Yes       No

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Name of Applicant: John Kuge, Arc of Maui County  
 Signature of Applicant's Representative   
 Title President Date 11/29/2017