

ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE

Council of the County of Maui

MINUTES

June 20, 2019

Council Chamber

CONVENE: 9:05 a.m.

PRESENT: Councilmember Keani N.W. Rawlins-Fernandez, Chair
Councilmember Kelly T. King, Vice-Chair (arrived at 9:15 a.m.)
Councilmember Riki Hokama, Member (arrived at 9:22 a.m.)
Councilmember Tasha Kama, Member
Councilmember Alice L. Lee, Member
Councilmember Michael J. Molina, Member
Councilmember Tamara Paltin, Member
Councilmember Shane M. Sinenci, Member
Councilmember Yuki Lei K. Sugimura, Member

STAFF: Julie Reed, Legislative Analyst
Leslee Matthews, Legislative Attorney
Pauline Martins, Substitute Committee Secretary

Don Atay, Executive Assistant to Councilmember Sinenci
Gina Flammer, Executive Assistant to Councilmember Sinenci

Zhantell Lindo, Council Aide, Molokai Council Office (via telephone conference bridge)
Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)
Mavis Oliveira-Medeiros, Council Aide, Hana Council Office (via telephone conference bridge)

ADMIN.: Jeffrey Ueoka, Deputy Corporation Counsel, Department of the Corporation Counsel
Michele Yoshimura, Budget Director, Office of the Mayor
Scott Teruya, Director, Department of Finance (EDB-27, EDB-34)
Erin Wade, Planner, Current Planning Division, Department of Planning (EDB-34, EDB-35))

OTHERS: Jasee Lau

PRESS: Akaku: Maui Community Television, Inc.

CHAIR RAWLINS-FERNANDEZ: . . . (gavel) . . . Aloha kakahiaka kakou. Ilima minuke i ka hala o ka hola `eiwa ma iwakālua e o lune I ka makahiki `elua kaukani umikamaeiwa. E `olu`olu mai, e ho`omalua e ke Komike Ho`omohala Waiwai me Mo`ohelu Kala. `Owai

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ka Iku Ha'i o keia komike, Keani Rawlins-Fernandez. It is 9:05 on June 20, 2019. Will the Economic Development and Budget Committee please come to order. I am the Chair, Keani Rawlins-Fernandez. I keia la, me ko kakou eia, Member Shane Sinenci.

COUNCILMEMBER SINENCI: Aloha kakahiaka.

CHAIR RAWLINS-FERNANDEZ: Aloha kakahiaka. Member Mike Molina.

COUNCILMEMBER MOLINA: Aloha, Madam Chair.

CHAIR RAWLINS-FERNANDEZ: Aloha. Member Alice Lee.

COUNCILMEMBER LEE: Madam Chair, in Norway we say hei which you can always use in Japan too.

CHAIR RAWLINS-FERNANDEZ: Hei hei, and in Sweden it's hej hej. The neighboring country.

COUNCILMEMBER LEE: Whatever, yeah.

CHAIR RAWLINS-FERNANDEZ: Mahalo. Chair King will join us in about 15 minutes and Member Riki Hokama will also be joining us later, and we have Member Tamara Paltin.

COUNCILMEMBER PALTIN: Aloha kakahiaka, Chair.

CHAIR RAWLINS-FERNANDEZ: Aloha kakahiaka. And we have Member Tasha Kama.

COUNCILMEMBER KAMA: Aloha kakahiaka, Chair.

CHAIR RAWLINS-FERNANDEZ: Aloha Kakahiaka. And Member Yuki Lei Sugimura joining us. Good morning. Okay. Mai ka Administration, we have with us Budget Director Michele Yoshimura.

MS. YOSHIMURA: Good morning.

CHAIR RAWLINS-FERNANDEZ: Good Morning. From Corporation Counsel, Deputy Corporation Counsel Jeff Ueoka.

MR. UEOKA: Good morning, Chair.

CHAIR RAWLINS-FERNANDEZ: Good Morning. From our Committee Staff, we have with us for the first time EDB Committee Legislative Analyst, Julie Reed. Aloha. And for the last time, our EDB Legislative Attorney, Leslee Matthews.

MS. MATTHEWS: Aloha, Chair.

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CHAIR RAWLINS-FERNANDEZ: Aloha. And we have with us our Committee Secretary, Pauline Martins. Aloha. Okay. And at our District Offices we have on Molokai, Zhanell Lindo; on Lanai, Denise Fernandez; and in Hana, Mavis Oliveira-Medeiros. Okay, Members, we have quite a long agenda but don't let that deceive you. We have six items, but four of them are housekeeping. So, we have EDB-1, Proposed Fiscal Year 2020 Budget for the County of Maui; EDB-13(1), Affordable Housing Fund Program Annual Plan (Fiscal Year 2019 (July 1, 2018 to June 30, 2019)); EDB-175, Amending the Fiscal Year 2019 Budget: Office of the Mayor (Kaupo Community Association, Inc.); EDB-27, Report on Settlement of Claims; and all four of those the Chair intends to file. EDB-34, Bond Coverage for Members and Subordinates of the Maui Redevelopment Agency; and EDB-35, Fiscal and Performance Audit of the Maui Redevelopment Agency. Okay.

COUNCILMEMBER LEE: Madam Chair, do you want me to make a motion?

CHAIR RAWLINS-FERNANDEZ: Well, we have to do testimony first.

COUNCILMEMBER LEE: Oh really, must we?

CHAIR RAWLINS-FERNANDEZ: You know the Chamber is full.

COUNCILMEMBER LEE: We had plenty last night. I'm kidding.

CHAIR RAWLINS-FERNANDEZ: . . .*(chuckling)*. . .Ms. Reed, do we have any testifiers?

MS. REED: We do not have any testifiers.

CHAIR RAWLINS-FERNANDEZ: Oh.

MS. REED: Jasee.

CHAIR RAWLINS-FERNANDEZ: See, we would have missed out on Mr. Lau's testimony. Mr. Lau, will you please join us at the podium.

MR. LAU: Aloha kakahiaka. My name is Jasee...

CHAIR RAWLINS-FERNANDEZ: Oh, I'm sorry, should I, we're going to begin with testimony on all items. To testify, please sign up with Staff. Testimony is limited to three minutes. Please identify yourself and if you're a lobbyist, and please go ahead, Mr. Lau.

. . .BEGIN PUBLIC TESTIMONY. . .

MR. LAU: You want me to read the part about decorum and all that stuff too? I just wanted to say you're doing a good job and I hope big leaf makes it in later on to help you guys get this budget thing going on. Thank you.

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CHAIR RAWLINS-FERNANDEZ: Mahalo, Mr. Lau for your testimony. Big leaf and little leaf, it was a reference to our inauguration or our first meeting when we had the blessing here, and kahu had a small leaf and a big leaf and made reference to the veterans being the big leaf and the newbies being the little leaf. So, I would be a little leaf and you would be a big leaf. Okay, big leaf, would you like to make the motion, no, I'm just kidding, I'm kidding.

COUNCILMEMBER LEE: Sure.

CHAIR RAWLINS-FERNANDEZ: Wait, no, no, I have to read my notes.

COUNCILMEMBER LEE: Okay. Well, hurry up, little leaf.

CHAIR RAWLINS-FERNANDEZ: . . .(chuckling). . .Okay, if they're no objections we will now close public testimony.

COUNCILMEMBERS VOICED NO OBJECTIONS.

. . .END OF PUBLIC TESTIMONY. . .

CHAIR RAWLINS-FERNANDEZ: Okay. Public testimony is now closed.

**EDB-1 PROPOSED FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI
(CC 19-191)**

CHAIR RAWLINS-FERNANDEZ: Okay. The first item on our agenda is a communication transmitting the Fiscal Year 2020 certification of next [sic] taxable real property evaluation for the County in accordance with Sections 3.48.135 and 3.48.580, Maui County Code. The Director of Finance provided certification dated April 18, 2019 to this Committee in conjunction with the consideration of the FY 2020 Budget which has since been passed by the Council. It was also concurrently transmitted for a posting on the Council agenda and referred to Committee. Because the information transmitted by the County Communication 19-191 has already been fully considered by the Committee and no further action on it is required, filing the communication is a housekeeping matter and is appropriate at this time. This is the last communication remaining on the Committee's master agenda relating to the proposed Fiscal Year 2020 Budget. So, I will now entertain a motion.

COUNCILMEMBER LEE: Move to file.

COUNCILMEMBER MOLINA: Second.

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CHAIR RAWLINS-FERNANDEZ: Moved by Member Lee, seconded by Member Kama. Discussion, Members? Okay. And I'll recognize Committee Vice-Chair and Council Chair King, Kelly King.

VICE-CHAIR KING: Mahalo, Chair, and good morning.

CHAIR RAWLINS-FERNANDEZ: Good morning. You made it right in time for this important vote.

VICE-CHAIR KING: Just wondering why this was on the Budget. I mean why is it on the agenda.

CHAIR RAWLINS-FERNANDEZ: Okay, all those in favor, please say "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR RAWLINS-FERNANDEZ: Any opposed. Okay. Motion passes with eight "ayes," one excused, Member Hokama.

VOTE: AYES: Chair Rawlins-Fernandez, Vice-Chair King, and Councilmembers Kama, Lee, Molina, Paltin, Sinenci, and Sugimura.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Hokama.

MOTION CARRIED.

ACTION: FILING of communication by C.R.

EDB-27 REPORT ON SETTLEMENT OF CLAIMS (CC 19-109)

CHAIR RAWLINS-FERNANDEZ: Okay. The fourth item on our agenda is the Director of Finances' Report on the Settlement of Claims as of December 31, 2018. In accordance with Section 3.16.020(C), of the Maui County Code, two reports were submitted. One, the report delineates claims paid from Claims Settlement and Judgment Account; two, the other report delineates claims paid from the Self-Insurance Account. We have joining us our Finance Director Scott Teruya, mahalo for joining us today.

MR. TERUYA: Good morning, Chair.

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CHAIR RAWLINS-FERNANDEZ: Would you like to please comment or bring any particular areas of the report to the Committee's attention?

MR. TERUYA: Chair, not at this time. I just wanna say that this is just a quarterly report of claims/settlements, the report to the Council so that's all it really is. Chair, thank you.

CHAIR RAWLINS-FERNANDEZ: Mahalo. Members, I'll now open the floor to questions. Okay.

VICE-CHAIR KING: I have a question.

CHAIR RAWLINS-FERNANDEZ: Oh okay, Chair King.

VICE-CHAIR KING: Yeah. Thank you, Chair. Is it possible to get an annual report like for the last few years of settlements so that we can kind of compare how we're doing from year to year? Maybe going back the last five years.

CHAIR RAWLINS-FERNANDEZ: Director?

MR. TERUYA: Chair, I don't see a problem with that. You can just do the request and we can submit it as far back as we can provide.

VICE-CHAIR KING: Okay. Yeah, it would be good to just kind of compare annually how we're doing if we're...they're going up or they're going down. Thank you.

CHAIR RAWLINS-FERNANDEZ: Chair King, would you like the Committee to request that information from our Finance Director?

VICE-CHAIR KING: Please, thank you.

CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo, Chair King. Okay, Members, any other questions? Okay, seeing none, I'll now entertain a motion to recommend the filing of County Communication 19-109.

COUNCILMEMBER LEE: So, moved.

COUNCILMEMBER MOLINA: Second.

CHAIR RAWLINS-FERNANDEZ: Moved by Member Lee, seconded by Member Molina. All those in favor, please say "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR RAWLINS-FERNANDEZ: Any opposed. Okay. Motion passes with eight "ayes," one excused, Member Hokama.

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VOTE: AYES: Chair Rawlins-Fernandez, Vice-Chair King, and Councilmembers Kama, Lee, Molina, Paltin, Sinenci, and Sugimura.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Hokama.

MOTION CARRIED.

ACTION: FILING of communication by C.R.

EDB-34 BOND COVERAGE FOR MEMBERS AND SUBORDINATES OF THE MAUI REDEVELOPMENT AGENCY (CC 19-157)

CHAIR RAWLINS-FERNANDEZ: All right, you guys are so efficient, we're just moving right along through this agenda. Okay. The fifth item on our agenda is County Communication 19-157, from the Director of Finance. County Communication 19-157 transmits a proposed bill relating to Bond Coverage for Members and Subordinates of the Maui Redevelopment Agency, referred to as the MRA. The proposed bill would amend Chapter 2.44, Maui County Code, by adding a new section 2.44.040. At my request, the Department of Corporation Counsel transmitted a revised proposed bill containing non-substantive revisions which has been posted on today's agenda. Mr. Teruya, will you please proceed with any remarks regarding this proposal.

MR. TERUYA: Thank you, Chair. Early in this year I believe this body was discussing the issue regarding the MRA. And we came across HRS 53-2 regarding the Redevelopment Agency's creations . . .(inaudible). . . part of HRS and under advice of Corporation Counsel we discussed the additional language to comply with this HRS statute. So, before you is 2.44.040 being proposed to address the bond coverage for the MRA. And that's all I have right now, Chair. Open to questions.

CHAIR RAWLINS-FERNANDEZ: Okay.

VICE-CHAIR KING: Chair?

CHAIR RAWLINS-FERNANDEZ: Mr. Ueoka, would you like to provide any comment? Okay. Okay, Members, I'll now open the floor to question. Chair King and then Member Lee.

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VICE-CHAIR KING: Thank you, Chair. Mr. Teruya, can you give us an explanation of why we need bond coverage for the agency? Is this something new? We don't do this for every department or do we?

CHAIR RAWLINS-FERNANDEZ: Mr. Ueoka?

VICE-CHAIR KING: Mr. Ueoka?

MR. UEOKA: Thank you, Chair King. It's a requirement under HRS 53-2. That's the urban renewal law section under which the MRA is formed. It says in there that they must provide bond for the members. Each member shall be required to give bonds of \$15,000 for the faithful performance of the members' duties and the agency may also require any of its subordinates to give bond, the premiums upon the bonds to be paid by the agency.

VICE-CHAIR KING: Okay, and then what was the bond coverage for? Is it for liability?

MR. UEOKA: For the faithful performance of the members' duties.

VICE CHAIR KING: So, does that mean that, that's in case of a lawsuit to cover liability?

MR. UEOKA: That would be my assumption, yes.

VICE CHAIR KING: Okay. That's interesting because they're paid employees, correct?

MR. UEOKA: No, they are not, they're volunteers.

VICE CHAIR KING: They're not. Oh, they are volunteers.

MR. UEOKA: Yeah, the MRA are volunteers.

VICE CHAIR KING: Oh, okay then that makes more sense. Okay. Thank you.

MR. UEOKA: Thank you, Chair.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Mr. Ueoka. Mahalo, Chair King. Did all the members get an opportunity to review the amendment for 2.44.040? If not, would you like me to read it to the Committee?

COUNCILMEMBER MOLINA: You can read it to the record, Madam Chair.

CHAIR RAWLINS-FERNANDEZ: Okay. Alright. And for the public's information as well. Okay. So, the proposed amendment is 2.44.040 Maui Redevelopment Agency Bond Coverage. The Director of Finance shall procure a bond for the members of the Maui Redevelopment Agency and if required by the agency its subordinates to satisfy the requirements of Section 53-2, Hawaii Revised Statutes. And Section 53-2 HRS states that Redevelopment Agency creation, A, the Council...oh sorry. Each member shall

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be...Section 53-2(b), each member shall be required to give bond in the sum of \$15,000 for the faithful performance of the member's duties, and the agency may also require any of its subordinates to give bond, the premiums upon the bonds to be paid by the agency. Okay. Member Lee?

COUNCILMEMBER LEE: Thank you, Madam Chair. Guess this question would be for Corp. Counsel. So, members would be board members and what kind of volunteers are we talking about?

CHAIR RAWLINS-FERNANDEZ: Mr. Ueoka?

MR. UEOKA: Thank you, Chair. Yeah, the members of the MRA are made of up five volunteers and Mayor nominates and Council approves. Mr. Molina is probably way more familiar with that process than me, but that's my understanding of how it works, so they're volunteers.

COUNCILMEMBER LEE: So, do we get a special insurance policy, or does this come under self-insurance?

MR. UEOKA: I don't believe it falls under self-insurance. But I do believe the County does retain a general liability policy and this would probably be a rider under it.

COUNCILMEMBER LEE: Are these board members sworn in?

COUNCILMEMBER MOLINA: Madam Chair, if I could add some further insight to Member Lee's question?

CHAIR RAWLINS-FERNANDEZ: Sure, Member Molina?

COUNCILMEMBER MOLINA: Yeah, like any...this is I think the only board or commission where a bond is required. And they're typically sworn in like any other board or commission. A question that I was going to have for Corporation Counsel after Member Lee was if this Council decides not to bond these members, then what happens, then can they still continue to serve or my guess is they would probably resign because that is a requirement under the HRS yeah, so do we have a choice? In order for the MRA to remain intact, then I presume we're required to bond them.

CHAIR RAWLINS-FERNANDEZ: Before I call on Mr. Ueoka, I'll recognize Member Riki Hokama joining us now. Good morning. Okay, Mr. Ueoka?

MR. UEOKA: Thank you, Chair. Member Molina, I believe you always have a choice. But I would strongly recommend that you follow through with this and bond them as required by State law. It is a requirement under State law so I guess if the Council were to say that they didn't wanna enact this and it wouldn't come under our Finance Director taking care of it. I guess they could go and procure the, whatever type of bond for themselves, and it does say it shall be paid for by the agency, so it would

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kinda be just a charge back to the County. So, this just makes more sense in my opinion and the Director of Finance. Thank you, Chair.

COUNCILMEMBER MOLINA: Okay. Thank you.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Molina. Did you want to finish up with your line of questions?

COUNCILMEMBER LEE: Yes.

CHAIR RAWLINS-FERNANDEZ: Okay. Member Lee and then Member Paltin.

COUNCILMEMBER LEE: What's the limit on the bond?

CHAIR RAWLINS-FERNANDEZ: Mr. Ueoka?

MR. UEOKA: This one says \$15,000.

COUNCILMEMBER LEE: No, no, no, but we're insuring them up to what, not \$15,000 right?

MR. UEOKA: I don't know what our general liability coverage, but we probably have a giant overarching one and it'll be covered for whatever we're required to by Code. And in this case State law.

COUNCILMEMBER LEE: Thank you.

MR. UEOKA: Thank you.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Lee. Member Paltin?

COUNCILMEMBER PALTIN: I just was wondering how come the other ones don't require like the Planning Commission and like that.

CHAIR RAWLINS-FERNANDEZ: Mr. Ueoka?

MR. UEOKA: Thank you, Chair. I don't know, I don't know why actually this bond is required for this board actually. I know for private non-profits a lot of times boards will carry E&O, in their errors and omissions insurance, but typically for County Boards, theoretically they would be covered...or I shouldn't say would be, but could be covered under us because when they are acting as board and commission members they are acting as agents of the County. I believe that's per Code or Charter. Thank you, Chair.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Mr. Ueoka. Mahalo, Member Paltin. Mr. Ueoka, do you think that like one of the reasons is because unlike our other boards and commissions, this agency is created through State statute? And that's one of the differences and that this statute was created--what?--in 1953, it's something really

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old, and it just...the legislation wanted to ensure protection of our volunteer board members and now that we have...

COUNCILMEMBER HOKAMA: Chair?

CHAIR RAWLINS-FERNANDEZ: Okay, Member Hokama?

COUNCILMEMBER HOKAMA: Chair, if I may, yeah, for Maui it's basically from the 1960s that the Maui Redevelopment Agency came to birth. And if you look at the statute and it is part of the Federal government's efforts in the '60s, yeah, regarding urban renewal, slum and blight programs which is HUD, and how you got HUD, and now all those programs for redevelopment of communities. So, one of the tools was the redevelopment agency which the Big Island took great advantage of under Mayor Yamashiro, Ray Suefuji from Kakaako in early '70s. But the key things about this agency, Chair, and why part of the discussion was for the provision of the bonding of those that's given those responsibilities is if you look at it, this is a superagency. No other agency has the parameters and powers by law with authorization. They can float bonds themselves. They don't need to come to Council. They can secure within the limits of the parameter of the zone the assets of real property to do projects on behalf of the district. So, I would say that was one of the key things, the fiduciary responsibilities given to those that would take these positions after a vetment, was given great authority, and part of that authority was to ensure the financial disciplines would be taken cared of. And one of it is bonding. We're all bonded too, Chair, you and I are bonded as officers of the County for our actions. We all are bonded by the people of this County. So, it's just another way it's being presented people, I would say of those that are given this type of power such as we. And I would say I would hope we can please support it, because I think it's a something, we would like this agency to move forward and do what it needs to do for this district. Thank you, Chair.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Hokama. Just to clarify, so the HRS 53 dash...or HRS 53 would allow for the superagency to be created, and perhaps this is a good time to bring up the discussion that we had at the April 16th meeting, 2019 during budget, where we discussed whether this superagency was in fact created and could take out their own bonds, or if it wasn't formally created and therefore unable to take out bonds themselves, which is why the appropriation by the Council is necessary. Mr. Ueoka?

MR. UEOKA: Thank you, Chair. I think there's no dispute that the MRA was formally created. I think the issue that was discussed at that meeting was more along the lines of did they ever form a formal corporation. So, we have a Maui Redevelopment Agency, they never formed their own pri..., or I don't know what the proper term, but their own corporation where, you know, you have its own board and everything. I'm sorry they do have a board now, but you know what I mean, their own corporate board, so I think that was the distinction drawn. Thank you, Chair.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Mr. Ueoka. Okay.

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VICE-CHAIR KING: Chair?

COUNCILMEMBER SUGIMURA: Chair?

CHAIR RAWLINS-FERNANDEZ: Member Sugimura, then Member Molina, Chair King, and then Member Kama. Okay, Member Sugimura?

COUNCILMEMBER SUGIMURA: Great discussion. The MRA, when I was working for the County did a lot of different things, and I appreciate this conversation about it being maybe taken to the next step so we can...it can operate the way that it was designed to do. When I worked for Governor Ariyoshi, the Kakaako redevelopment was formalized along with Ray Suefuji, whatever, whoever Riki said. But that was the beginnings of it in the '80s and look what Kakaako has done today with all of its partnerships that it's done. But, the agency if it can be, if it can realize its potential the way that HRS 53 had enabled it to do and envisioned it to do, there's funding available through, when I was at OED, we received funding through a Federal, I want to say EDB, their economic development leg because of the slum and blight designation of the area designated in the MRA, the 63 acres, so I appreciate you doing this. It's amazing that all these years have gone by and nobody has taken the effort to, you know, figure this out about the bond. But I would like to see if the, if we need to do anything to take this organization to its next step, so appreciate the effort that you're doing. Thank you.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Sugimura. Member Molina?

COUNCILMEMBER MOLINA: Yeah . Thank you, Madam Chair. Just as a suggestion, I think one of the questions that Member Lee brought up about the amount of coverage for MRA members, if maybe under your signature, if we could ask that question just for an FYI. And, recalling last year when I worked for the Administration, and I believe that question was asked by the Council of me at that time too. And even the applicants asked that too if they had to bond themselves as well, but we got that question answered. But I think the question that Member Lee brought up was good, and I appreciate Member Hokama providing that historical insight on this as well, so thank you.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Molina. Director, do you have that information now? Otherwise I'll send written correspondence for that information.

MR. TERUYA: Chair, thank you for that question. My understanding when speaking with Corporation Counsel earlier today that they have a blanket insurance policy, about \$6 million, but it doesn't individually state per person, it just has a blanket coverage. But to be more specific might be better to maybe ask that question to Risk Management at this time. Thank you, Chair.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Director. Okay. Chair King, Member Kama.

VICE-CHAIR KING: Thank you, Chair. You know I support this bill because I think it's important to cover our volunteers and I just wanted to share that I had, you know,

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been in perhaps the largest volunteer organization in the State, which was the State Board of Education which was basically unsalaried, unsupervised. And I wanted to also point out that the fact that the agency's bonded, doesn't mean that they can't be held liable for certain actions, and certainly the Board of Education was sued at one point by our State Librarian, and the Attorney General's Office went around and interviewed each board member separately to see if there was any liability, because they don't automatically cover you. They still have to do an investigation. But this gives the backing that, you know, they will support you if they find reasonable cause that you didn't create that action. So, it's important or we won't get people to serve on these, in these volunteer positions if we don't cover them. That's all I wanted to say, thank you.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair King. Member Kama?

COUNCILMEMBER KAMA: Thank you, Chair. I support this issue, but I want to know if we're able to, if we could ask whether or not the Maui Development, Redevelopment Agency intends on continuing and pursuing their own corporate organizing, because I mean I can understand how great this organization could be but they need to take the next step because if they don't then they're just going to be hanging around doing who knows what. But if you really wanna flourish the way I understand redevelopment agencies are supposed to flourish, they need to become incorporated. Thank you, Chair.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Kama. We actually have Ms. Erin Wade in the audience. She is our MRA Program Planner. Mahalo for joining us. Okay. And then --

COUNCILMEMBER HOKAMA: Chair?

CHAIR RAWLINS-FERNANDEZ: --I'll call on Member Hokama and then Member Sinenci.

COUNCILMEMBER HOKAMA: Yeah, and again, I appreciate that Ms. Wade made some time to join us. But, you know, let me...I look at, you know, in a pretty more holistic way because of the historic, Chair. Thank you for that great question, my dear friend, 'cause I think that's a great question you asked, why aren't they there yet. It's basically 'cause Council never gave them the resources, the positions, and maybe we just never had the confidence in the agency at that point in time to allow them to walk on their own two feet. I think maybe now is the time. I think, you know, they've shown they are able to do things. There's projects on the board, there's projects ongoing in the district, things have happened, so maybe it's the time for them to start walking and that the Council will then allow them by the support they require which is money, positions, and allow the members of the agency to make those decisions that the law authorizes them to do. There's a lot of things that can happen and they can go and secure Federal grants as well too, even I know, and foundation money. So, I just share that historic, yeah, Chair, that, you know, if you wanna look at any...anyone who wants to look at anybody why the agency is still where it's at, the Council needs to look at itself because I've sat on enough Councils and seen what was previous that

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the support was basically keep it within the Planning Department mentality and that's where they've been stuck since creation. Okay, one person part-time, I think it was at the best because we never allowed them to move past crawling, so I appreciate that question Ms. Kama. Thank you, Chair.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Hokama. Member Sinenci and then Member Sugimura.

COUNCILMEMBER SINENCI: Thank you, Chair. I just had a clarification question about the MRA Board. Is...just some...who chooses them, I mean are they voted in, are they from different district representation, just some basic questions, I guess?

CHAIR RAWLINS-FERNANDEZ: Mr. Ueoka?

MR. UEOKA: Thank you, Chair. Mayor appoints, Council confirms. And I believe in the Charter, there's just a general statement that they try to do overall district representation, but only get five members.

COUNCILMEMBER HOKAMA (spoke away from the microphone): . . .(inaudible). . .

MR. UEOKA: Oh, I'm sorry yeah, you're right, actually Mr. Hokama's correct, it has to be Wailuku 'cause it's...the area is Wailuku that's...you are correct.

COUNCILMEMBER SINENCI: Follow up, Chair. So, they can be different areas of redevelopment besides Wailuku, different districts?

MR. UEOKA: Yes.

COUNCILMEMBER SINENCI: Okay.

MR. UEOKA: There's certain requirements that must be met naturally, but yes, that is correct.

COUNCILMEMBER SINENCI: Okay, thank you for that.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Sinenci. Mahalo, Mr. Ueoka. Member Sugimura?

COUNCILMEMBER SUGIMURA: I wonder if, to kind of grasp all of this, if we could ask through letter maybe some advice or if Erin Wade must talk about it, how we can take this to the next step, whether it be Mr. Ueoka or Ms. Wade.

CHAIR RAWLINS-FERNANDEZ: I'm sorry, Member Sugimura, that's not a item on our agenda for today --

COUNCILMEMBER SUGIMURA: Okay.

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CHAIR RAWLINS-FERNANDEZ: --so we can take that discussion up another time.

COUNCILMEMBER SUGIMURA: Okay, will do a subject matter item then to take it to this next level. Thanks.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Sugimura. Okay, any other questions, Members, on this item, EDB-34? Okay --

COUNCILMEMBER SUGIMURA: Need a motion?

CHAIR RAWLINS-FERNANDEZ: --last question. So what have, what has the MRA been doing to bond their members as of this point, or have they been, Mr. Ueoka?

MR. UEOKA: Thank you, Chair. We had like a 2003 opinion from our office and our understanding was it was just bundled in with all the other required bonds under the County, and the idea behind this is we just wanted to make it clear that this requirement of 53-2 was taken care of rather than it being, you know, just kinda fit in on a side under one of the allowances under 2.44.030(D) I believe. So that would just, it is being covered right now as far as we understand from the general liability insurance policy the County holds, but we just wanted it to be specific. Thank you, Chair.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Mr. Ueoka. And then last question, is this proposed amendment to our Code consistent with the HRS Section 53, each member shall be required to give bond in the sum of 15,000 for the faithful performance of the member's duties?

MR. UEOKA: Thank you, Chair. Yes, we, our office does believe it meets the requirements. While the member isn't procuring the policy itself, ultimately they are giving bond although it is through the County, and since the County was going to pay for it any way, we felt this was more fiscally prudent, so we do feel 53, the requirements are being met. Thank you, Chair.

CHAIR RAWLINS-FERNANDEZ: Okay, Mahalo, Mr. Ueoka. Chair King and then Member Paltin.

VICE-CHAIR KING: Just one last question, if this was intended from the beginning to only focus on Wailuku, why is it called the Maui Redevelopment Agency and not the Wailuku Redevelopment Agency? Do you know? Maybe Mr. Hokama.

CHAIR RAWLINS-FERNANDEZ: Mr. Ueoka.

MR. UEOKA: I think you...oh, maybe Erin knows, I don't know. I would assume 'cause it could cover anywhere on Maui technically.

VICE-CHAIR KING: Well, we just heard that it couldn't, so everybody had to be from Wailuku.

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MR. UEOKA: Well, what happened for this one was a map was created and adopted by the Council, and it was for the Wailuku redevelopment area. And it's under the Maui Redevelopment Agency.

VICE-CHAIR KING: Okay, but we just had a discussion about the Maui Redevelopment Agency that all the board members are from Wailuku and that they're only focused on Wailuku, so is it a project, is it a board, is it Wailuku, is it Maui? I mean this is getting confusing now.

MR. UEOKA: The only one that's been adopted so far is for Wailuku.

VICE-CHAIR KING: The only what?

MR. UEOKA: Plan, redevelopment area plan.

VICE-CHAIR KING: Okay, but the agency is for the greater Maui?

MR. UEOKA: The agency could be, but the only one that's adopted is for Wailuku. So, if you made a Kahului one or Lahaina one, maybe the board makeup would change at that point. But right now, because it's only Wailuku—(inaudible)--

VICE-CHAIR KING: Okay, but what you're saying basically is that this agency is only for Wailuku and we could create other agencies for other areas and then they would be made up of people from those areas?

CHAIR RAWLINS-FERNANDEZ: Ms. Wade?

MS. WADE: Thank you, Chair. Good morning, thanks for having me. I do think we should follow up and explain clearly how that would work, but yes, it is authorized to create one or multiple areas, redevelopment areas throughout the County. Specifically, it mentions, it can take action in the event of a natural disaster, in case there is a tsunami or...

VICE-CHAIR KING: This particular board?

MS. WADE: This particular board, correct.

VICE-CHAIR KING: Okay, so maybe that's a good case for expanding the membership to include other jurisdictions as well. But we can discuss that when we, if we discuss...if put this other item on. I just wanted to clarify because it's a little sketchy in my mind what exactly the purpose of the agency is. Thank you.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair King. I have a quick question before I call on Member Paltin and Member Kama. So, as it currently exists, are all the members from Wailuku, because I saw something that is wasn't? Ms. Wade?

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MS. WADE: I would have to check. I know all of the members have background in Wailuku. I don't know where they all currently reside, but I know all of them grew up in Wailuku, the ones that are on the board today.

CHAIR RAWLINS-FERNANDEZ: Member Molina?

COUNCILMEMBER MOLINA: Madam Chair, if memory serves me correct, they have to all be Wailuku residents to qualify.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Molina. Okay, and so, we are of the understanding that they may not be Wailuku residents, but were at some point from Wailuku, the current board.

MS. WADE: I can go through...yes, in my mind I'm going through all of the board members and they are all current residents of 96793, yes.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Ms. Wade. Okay, Member Paltin and then Member Kama.

COUNCILMEMBER PALTIN: I was wondering what is, is there an additional cost to do it this way as opposed to the way that it's currently being done with the bond of the whole County?

CHAIR RAWLINS-FERNANDEZ: Mr. Ueoka?

MR. UEOKA: No, it would be the same thing, this is just housekeeping to make sure it's clear in the Code what we're doing.

COUNCILMEMBER PALTIN: No additional cost?

MR. UEOKA: It shouldn't be, yeah.

COUNCILMEMBER PALTIN: Okay.

MR. UEOKA: I can't say, bond, the prices might go up or anything, I don't know, but it should be, it's just a carryover from the other side, so it should be the same price.

COUNCILMEMBER PALTIN: Okay.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Paltin. Member Kama then Member Sinenci.

COUNCILMEMBER KAMA: Thank you, Chair. So, my understanding as I understand the Maui Redevelopment Agency is similar to what I understand to be on Oahu. They have the Hawaii Community Development Authority which is an authority and under this authority they have the Kakaako redevelopment. So, all the people from Kakaako, born, raised, no live there anymore, still there, but pretty much put together to put

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together the Kakaako plan. When you look at out on the other side where you see that new development in Kapolei, again that had another group of people under that same authority. So, I think we need to go back to the legislation that created this so we can all get a greater understanding of what it is that we're giving birth to or would like to continue to help to grow and that's my suggestion if we could do that, Ms. Wade, Madam Chair.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Kama. Okay. Member Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. It looks like online it says the MRA consists of five commissioners who shall have resided in the County for at least three years immediately preceding their appointment. All members are appointed by the Mayor and confirmed by the County Council. It looks like one of them has a Kahului address of the five. Just for our information. It doesn't say anything about Wailuku, just who shall have resided in the County for at least three years immediately preceding their appointment.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Sinenci. Does anyone from the Administration want to comment on that? Mr. Ueoka?

MR. UEOKA: Chair, at this point, I think we can look into it further from the Administration side and we'll get it straightened out, but right now, just from a Corporation Counsel thing, we're talking about the bond coverage for the members and the subordinates right now, thank you.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Mr. Ueoka. Okay, Members, any other questions regarding the bond, the proposed language amendment? Okay, are we ready to vote?

VICE-CHAIR KING: We need a motion, Chair.

CHAIR RAWLINS-FERNANDEZ: Yeah.

VICE-CHAIR KING: Okay.

CHAIR RAWLINS-FERNANDEZ: Okay. The Chair will entertain a motion to recommend passage of the revised proposed bill entitled A Bill for an Ordinance Amending Chapter 2.44, Maui County Code, Relating to Bond Coverage for Members and Subordinates of the Maui Redevelopment Agency on first reading--oh, wait hold on, I need to make...oh after, okay sorry--incorporating any revisions made by the Committee today, and any non-substantive revisions; and the filing of County Communication 19-157.

VICE-CHAIR KING: So moved.

COUNCILMEMBER MOLINA: Second.

COUNCILMEMBER SUGIMURA: Second.

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**EDB-35 FISCAL AND PERFORMANCE AUDIT OF THE MAUI REDEVELOPMENT
AGENCY (CC 19-214)**

CHAIR RAWLINS-FERNANDEZ: Okay. All right, the last item on today's agenda is County Communication 19-214, from your Chair. County Communication 19-214 transmits a proposed resolution entitled Authorizing the Council Chair to Contract a Fiscal and Performance Audit of the Maui Redevelopment Agency. At my request, the Department of Corporation Counsel transmitted a revised proposal resolution incorporating non-substantive revisions which has been posted on today's agenda. Members, if you recall during the Fiscal Year 2020 Budget discussions, the need for a fiscal and performance audit of the Maui Redevelopment Agency was raised. A fiscal and performance audit of the MRA would assist the Council in fulfilling its responsibilities under Charter Section 3-6. There are funds available for audits such as this in the Fiscal Year 2020 Office of Council Services' Budget. And we have again with us Ms. Erin Wade if we have any questions, so I will now open the floor to questions and discussion. No questions? Okay. Oh, Member Paltin?

COUNCILMEMBER PALTIN: I just was wondering if this would be conducted by the Office of the Auditor and then what the order would be. Like, is it in the...if it is conducted by the Office of the Auditor, would they be taking the audits that they have scheduled first, and this would go in a queue like the, I know there's a deferral agreements on deck as soon as they get all their referral or their resources set up, so just wondering about the logistics of that.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Paltin. So, this would, what we're asking to do is authorize the Chair, so it wouldn't fall under the Office of the Auditor. Chair King?

VICE-CHAIR KING: Thank you, Chair. So, I just wanted to explain that the Office of the Auditor doesn't take direction from the Council so we cannot tell the Auditor what to do. We can go to the Auditor first and see if this is something that they'd be interested in putting on their list. If they are, that would save us a lot of money and if there's any hint of a conflict or reason why they don't think they could do it or they're not interested, then we would go out to RFP. But we don't control the Auditor and they're independent by purpose so that they're not controlled by either the Council or the Administration.

COUNCILMEMBER PALTIN: So, they could decide to skip this ahead of...

VICE-CHAIR KING: And then we would go out to RFP and seek outside contractors to do the audit.

COUNCILMEMBER PALTIN: If they put it in their queue, would it go automatically behind the deferral agreement audit or they decide?

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VICE-CHAIR KING: It's up to them.

CHAIR RAWLINS-FERNANDEZ: And there's a nod by Mr. Ueoka confirming. Yeah, so, it would be the authority of the Auditor to decide.

VICE-CHAIR KING: But if you authorize the Chair to do this, then we would first do go through that route, and if we were told by the Auditor this is, there's a conflict or we don't...we're not going to put this in the queue, for whatever reason they decide, then we can put it out to RFP and seek outside contractors to do this audit like we did with the Fire Department last year.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair King. Mahalo, Member Paltin. Member Sugimura?

COUNCILMEMBER SUGIMURA: How much does an audit like this cost?

CHAIR RAWLINS-FERNANDEZ: Chair King?

VICE-CHAIR KING: That's the purpose of the RFP, to get quotes on that, so we can't really answer that right now.

COUNCILMEMBER SUGIMURA: Are there...is there a ballpark amount based upon previous audits?

VICE-CHAIR KING: I could probably look at previous audits and get you a ballpark, but I don't have anything off the top of my head.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair King. Mahalo, Member Sugimura. Member Hokama?

COUNCILMEMBER HOKAMA: Yeah, thank you. I don't think it's going to cost that much. They're not a big agency. Maybe one employee, through the years, you know, what have we really done? They did some of the street work under Arakawa one, but then again, you know, so I don't have a problem with this audit. And I tell you why, because I like what Ms. Kama said. This audit can be a great tool to tell the Council what it takes to make this agency move forward. Does it need a financial position? Definitely if it's going to manage more of the funding. You're gonna need a, someone that can be a financial officer, you're gonna need a planner. You know moving forward I think this is a good useful tool to have professionals take a look. I think the Big Island is a good model for us to really look at that Mayor Yamashiro did for the Hilo redevelopment. Kakaako, I think it has some bureaucratic issues that I wouldn't really want to duplicate completely, but they've done certain things great too. So, we don't need to rebuild the wheel, Chair. And I think an audit will help us move this program forward. And I think we should look at it as a beneficial tool to support the efforts of this area. So, I'm in support of moving this forward.

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VICE-CHAIR KING: Boy, that was break-neck speed.

CHAIR RAWLINS-FERNANDEZ: Yeah, that was fast. That was our entire...

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

CHAIR RAWLINS-FERNANDEZ: Yeah. We'll keep it going with the next Committee at 1:30, chaired by Member Hokama, Healthy Families and Communities. Okay. So, if there's nothing else, that's everything. Good job, everyone. Okay. The Economic Development and Budget Committee is...it's 9:55 and we are now adjourned. . . .*(gavel)* . . .

ADJOURN: 9:55 a.m.

APPROVED BY:



KEANI N.W. RAWLINS-FERNANDEZ, Chair
Economic Development and Budget Committee

edb:min:190620:kk

Transcribed by: Kimi Kusumoto

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CERTIFICATE

I, Kimi Kusumoto, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 15th day of July, 2019, in Wailuku, Hawaii



A handwritten signature in cursive script, reading "Kimi Kusumoto", is written over a horizontal line.

Kimi Kusumoto