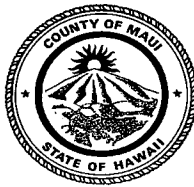


ALAN M. ARAKAWA
MAYOR

JOSEPH PONTANILLA
PROGRAM MANAGER



200 South High Street
Maui, Hawaii USA 96793-2155
Telephone (808) 270-7213
(808) 270-7159
E-mail: cdbg@mauicounty.gov

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

January 27, 2017

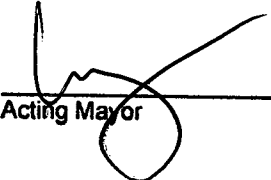
Honorable Alan M. Arakawa
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

For Transmittal to:

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

Dear Chair White:

APPROVED FOR TRANSMITTAL



Acting Mayor Date 1/27/17

SUBJECT: COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM FOR THE PROGRAM YEAR 2017/FISCAL YEAR 2018

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 2017 (July 1, 2017 - June 30, 2018). 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 2017; (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. 17-72

Honorable Mike White, Chair
Page 2
January 27, 2017

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', written in a cursive style.

JOSEPH PONTANILLA
CDBG Program Manager

Enclosures

xc: Lynn Araki-Regan, 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 SEVEN HUNDRED - THIRTY ONE THOUSAND ONE HUNDRED NINETY-ONE DOLLARS (\$1,731,191) to aid in the development of the following projects:

1. Hale Mahaolu \$ 550,000

Resolution No. _____

Project: Hale Mahaolu Ewalu Senior Center is a senior center within a community campus which will include affordable housing for the elderly.

- | | | |
|-------|--|-------------------|
| 2. | Hale Makua Health Services Project: Hale Makua Kahului Generator Upgrade will replace a 400kw generator with a 500kw generator. The new generator will ensure adequate electricity is provided during commercial power outages. | \$ 495,000 |
| 3. | Maui Family Support Services, Inc. Project: Rehabilitation of MFSS building due to deterioration of the building roof and walls. | \$ 325,070 |
| 4. | Ka Hale A Ke Ola Homeless Resource Centers, Inc. Project: KHAKO Renewal Project Phase II will rehabilitate two residential buildings, Building 5 and Building 6. The KHAKO Renewal Project is a multi-phase plan developed by Cooper and Cooper Real Estate Solutions to accomplish necessary updates, replacements and improvements to ensure long term operational viability and protect the health and safety of residents and staff. The \$14,883 is a partial funding, total requested is \$756,787. | \$ 14,883 |
| 5. | CDBG Program Administration | <u>\$ 346,238</u> |
| Total | | \$1,731,191 |

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

Resolution No. _____

reprogramming actions by the CDBG Program Manager during Program Year 2017, 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 2017 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 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 2017 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. Ka Hale A Ke Ola Homeless Centers, Inc. \$ 741,904
Project: KHAKE Renewal Project Phase II will
rehabilitate two buildings, Building 5 and
Building 6.
2. Mental Health Kokua \$ 300,000
Project: Mental Health Kokua Market Street
House, rehabilitation of existing space.
3. ARC of Maui County \$ 405,000
Project: ARC Group Home Solar PV Installation
Project.

Resolution No. _____

| | | |
|-------|---|-------------|
| 4. | CFS Real Property, Inc. Project: Neighborhood Place of Wailuku Rehabilitation. Demolish and rebuild 2 story structure. | \$1,000,000 |
| 5. | Maui Youth & Family Services, Inc. Project: Planning & Design of MYFS Behavioral Health Crisis Shelter. | \$ 204,300 |
| Total | | \$2,651,204 |

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

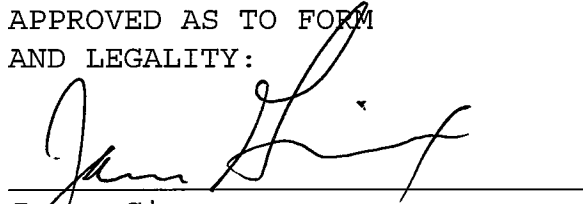
3. That the Mayor, or his duly authorized representative, is hereby authorized to execute any and all documents necessary to process and accept such funds, including any amendments thereto; and

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.

APPROVED AS TO FORM
AND LEGALITY:

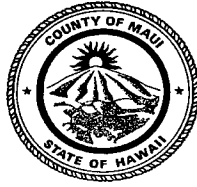


James Giroux
Deputy Corporation Counsel
COUNTY OF MAUI

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ALAN M. ARAKAWA
MAYOR

JOSEPH PONTANILLA
PROGRAM MANAGER



200 South High Street
Wailuku, Maui, Hawaii USA 96793-2155
Telephone (808) 270-7213
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OFFICE OF THE MAYOR
COUNTY OF MAUI
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Applications Received for CDBG Funding in Program Year 2017

Ten (10) 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. Hale Mahaolu – Hale Mahaolu Ewalu Senior Center | \$ 550,000 |
| 2. Hale Makua Health Services – Hale Makua Kahului Generator Upgrade | \$ 495,000 |
| 3. Maui Family Support Services, Inc. – Rehabilitation of MFSS Building | \$ 325,070 |

B. Recommended for partial funding:

| | |
|--|------------------|
| 4. Ka Halé A Ke Ola Homeless Resource Centers, Inc. – KHAKO Renewal Project Phase II | <u>\$ 14,883</u> |
| Funds available for projects | \$1,384,953 |

C. - CDBG Administration – Not to exceed 20 percent of the annual grant amount \$ 346,238

ESTIMATED CDBG ALLOCATION FROM HUD FOR PROGRAM YEAR 2017 – TOTAL \$1,731,191

Project proposals meeting minimum threshold factors and proposed as Alternates:

Alternate Projects (in ranking order):

| | |
|--|-------------------|
| 5. Ka Hale A Ke Ola Homeless Centers, Inc. – KHAKO Renewal Project Phase II | \$ 741,904 |
| 6. Mental Health Kokua – Market Street House | \$ 300,000 |
| 7. ARC of Maui County – ARC Group Home Solar PV Project | \$ 405,000 |
| 8. CFS Real Property, Inc. – Neighborhood Place of Wailuku Rehabilitation | \$ 1,000,000 |
| 9. Maui Youth & Family Services, Inc. – Planning/Design of MYFS Behavioral Health Crisis Shelter | <u>\$ 204,300</u> |
| | \$ 2,651,204 |

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.

Project proposals (or an apportion of) not meeting the minimum composite score of 325 points from the Evaluation and Selection Panel and is not eligible for funding:

| | |
|---|-------------------|
| A. Kaupo Community Association, Inc. – Infrastructure Related to Old Kaupo School Restoration | \$ 475,000 |
| B. Boys & Girls Club of Maui, Inc. – Paukukalo Clubhouse Project Phase I | <u>\$ 250,000</u> |
| | \$ 725,000 |

TOTAL FUNDING REQUESTED FOR Program Year 2017 \$4,761,157

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
RECOMMENDED PROJECTS FOR FUNDING
PROGRAM YEAR 2017

| PROJECT NAME | APPLICANT | CONTACT PERSON | ADDRESS/TELEPHONE |
|--|--|--|---|
| 1. Hale Mahaolu Ewalu Senior Center | Hale Mahaolu | Roy Katsuda Executive Director | 200 Hina Street Kahului, Hawaii 96732 Ph# (808) 872-4100 |
| 2. Hale Makua Kahului Generator Upgrade | Hale Makua Health Services | Mark Souza Project Manager | 472 Kaulana Street Kahului, Hawaii 96732 Ph# (808) 871-9266 |
| 3. Rehabilitation of MFSS Building | Maui Family Support Services, Inc. | Donna Vickers Project Manager | 1844 Wili Pa Loop Wailuku, Hawaii 96793 Ph# (808) 242-0900 |
| 4. KHAKO Renewal Project Phase II - (partial funding) | Ka Hale A Ke Ola Homeless Resource Centers, Inc. | Monique Yamashita Chief Executive Officer | 670 Waiale Road Wailuku, HI 96793 Ph# (808) 446-8133 |

ALTERNATE PROJECTS

| PROJECT NAME | APPLICANT | CONTACT PERSON/ POSITION TITLE | ADDRESS/TELEPHONE |
|---|--|--|---|
| 5. KHAKO Renewal Project Phase II - (funding shortfall portion – 1st Alternate) | Ka Hale A Ke Ola Homeless Resource Centers, Inc. | Monique Yamashita Chief Executive Officer | 670 Waiale Road Wailuku, HI 96793 Ph# (808) 446-8133 |
| 6. Market Street House | Mental Health Kokua | Greg Payton Chief Executive Officer | 1221 Kapiolani Blvd, Suite 345 Honolulu, HI 96814 Ph# (808) 529-4554 |
| 7. ARC Group Home Solar PV Project | ARC of Maui County | Robert Lane Chief Financial Officer | 95 Mahalani Street, Suite 17 Wailuku, HI 96793 Ph# (808) 242-5781 |
| 8. Neighborhood Place of Wailuku Rehabilitation | CFS Real Property, Inc. | Diane Reece Project Manager | 91-1841 Fort Weaver Road, #300 Ewa Beach, HI 96706 Ph# (808) 681-1410 |

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
ALTERNATE PROJECTS
PROGRAM YEAR 2017

| | | | |
|---|---------------------------------------|---|--|
| 9. Planning and Design of MYFS Behavioral Health Crisis Shelter | Maui Youth & Family Services, Inc. | Jud Cunningham Chief Executive Officer | 100 Ike Drive Makawao, HI 96768 Ph# (808) 579-8414 |
|---|---------------------------------------|---|--|

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 P. Victorino | Board of Director, Member | Maui County Council Member |
| Anthony Arakaki | Board of Director, Member | County of Maui employee |
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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). |
|----------------|---------------------|---|
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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 |
|----------------|---|---|----------------------------------|
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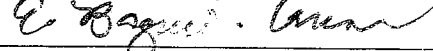
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4. If there is a significant conflict of interest present, as indicated by answering **Yes** to any of the three (3) questions above, what have you done or will propose to do in order to address the conflict of interest? Please explain in detail. You may provide supplemental information as an Attachment to this questionnaire.

Please see attached agency Conflict of Interest Policy. Mr. Victorino will recuse himself when voting is needed for the project.

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: Maui Family Support Services, Inc.

Signature of Applicant's Representative 

Title Chief Executive Officer Date 11/30/16

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). |
|-----------------|------------------------------|---|
| Teena Rasmussen | Member -- Board of Directors | Dir. of Economic Dev. (Appointee) |
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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). |
|----------------|---------------------|---|
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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 |
|----------------|---|---|----------------------------------|
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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.

MYFS will enforce its Board of Directors Bylaw on Conflict of Interest, which states: "Section 4.9 -- Conflict of Interest. Within the meaning of this section, a Director of the Corporation shall be deemed to have a conflict of interest or a potential conflict if, by reason of his or her participation in the enactment or defeat of any matter coming before the Board, there is reason to believe that said Director, a member of his or her family or the company or agency with whom that Director is associated could derive gain or loss from said action.

It will be the obligation of the Director to state clearly the nature and degree of interest in the matter, and the President, Committee Chairperson, and other presiding officer shall rule if there is potential for conflict. If such conflict is so ruled, the Director shall be excused from participation, debate and voting on the issue or matter pending. The Board, by majority vote, shall determine any issue relative to a conflict of interest or perception of a conflict of interest."

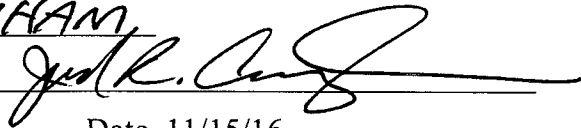
Further, MYFS will take steps to assure compliance with Maui County CDBG and HUD regulations (24 CFR 570.611 Conflict of Interest)

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: Maui Youth & Family Services, Inc.

JUD R. CUNNINGHAM

Signature of Applicant's Representative



Title CEO

Date 11/15/16

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 | Board Member | Maui County Council Member |
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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). |
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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 |
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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.

To ensure a conflict of interest does not arise, Mr. Victorino abstains from all County Council voting in any matters 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, Inc.
 Signature of Applicant's Representative Monique C. Yarnold
 Title CEO Date 11/27/2016