

April 7, 2016

Council of the County of Maui
Council Member Don Couch
RE: Budget Hearing West Maui

Aloha Mr. Couch;

My letter is being sent following my two public testimonies, one which occurred on March 18 to the Committee of the Whole, and last night during West Maui Budget hearings.

As stated in my testimony, I first became of that public funds are being used to pay for private developer's street frontage subdivision obligations when I attended a Department of Transportation meeting last fall in Lahaina. After the meeting, I asked Senator Roz Baker for her opinion on the County's administration of the uncollected developer agreements. Her response was that County has clearly been grossly negligent for a long time. After a lengthy conversation, her solution was the County should probably just admit their wrongdoings, and just erase the thousands of developer agreements, thereby transferring the developer's monetary commitments to us, the resident of Maui County. Or, she stated, a private citizen should just 'hire an attorney' to address the County's misdealing's.

On April 18th I testified to the members of the Council on this issue. As an elected official, you informed me that an investigation into the use of public funds to pay for private developer obligations had occurred in 2013. I followed up with your offices with a request for copy of the investigation, findings, and conclusions of law and County ordinances. I am sorry to sound so legal on my writings, but my husband was an attorney and perhaps I am bit conditioned to the way the process sounds and works.

This issue is urgent for action. On page 833 of Mayor Arakawa's budget is the continuing funding of the roadway improvements for Phase IV of South Kihei Road in your District that is being improved with public funds. My research finds an attached letter transmitted by Public Works Director David Goode signed by Mayor Arakawa that relates to "DEFERRAL AGREEMENTS AS THEY RELATE TO BUDGET REVENUES – FEES, RATES, ASSESSMENTS, AND TAXES". The letter makes reference to monies owed through this development agreements along Phase IV of South Kihei Road.

The developer's owe their fair share of the payment of these roadway improvements on each and every roadway project proposed by the County. The Maui County Charter requires the estimated revenues be placed in the current County budget. You did not respond to my previous inquiry, which I feel is not proper since you silenced my testimony with your announcement to the public of the proclaimed investigation. Therefore, I think it is proper to alert the appropriate authorities on your unwillingness to respond to my inquiry.

Please send to my email a copy of the investigation you referenced in March 18, 2016 public hearing that you referenced to silence my testimony. I don't want our tax dollars being used to line the pockets of private developers any longer, and this practice cannot continue to be facilitated by our elected officials.

Your silence on this matter says volumes. Perhaps you do not think that an ordinary citizen has the right to address our elected officials. I might say that for over 50 years, I have been involved in corresponding with presidents and senators on a federal and state level. All have responded in kind whether it was from their office or in a personal note. I treasure the letters from Senator Inouye who always graciously responded to my concerns. I feel your actions represent a feeling you above the law, let alone a lack of common decency to your constituents.

I have attached a copy of the letter transmitted through the Mayor's office.

Respectfully submitted,

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