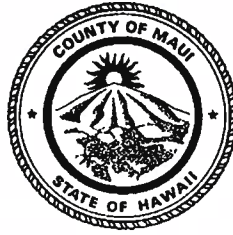


EVALINA "NANI" WATANABE
Chair

KIMBERLY WEST
Vice Chair



Commissioners:

**ANDREA ROGERS
BEVERLY STANICH
MELISSA JOHNSON
RAINEY DOCK MATTHEWS
RICKY SANCHES
SARAH M. COLLINS
SUSAN LUSSIER**

**COUNTY OF MAUI
COMMISSION ON PERSONS WITH DISABILITIES**

J. Walter Cameron Center
95 Mahalani Street, Room 20
Wailuku, Hawaii 96793
Phone: (808) 270-7755
Fax: (808) 270-7935

RECEIVED
2022 FEB - 3 PM 12:42
OFFICE OF THE
COUNTY CLERK

Mission: To make recommendations to the Mayor, the Council & county officials for policies, programs & systemic changes that maximize independence & community integration for Maui County residents with disabilities & promote compliance with the American Disabilities Act.

Vision: Promote and enhance equality of life for Maui County residents with disabilities through advocacy & education by working with our community, elected & other county officials who have the ability to make change.

NOTICE OF REGULAR MEETING AND AGENDA

PURSUANT TO CHAPTERS 91 AND 92, HAWAII REVISED STATUTES, AS AMENDED, NOTICE IS HEREBY GIVEN OF A PUBLIC MEETING OF THE COMMISSION ON PERSONS WITH DISABILITIES, COUNTY OF MAUI.

Pursuant to Governor David Y. Ige's Emergency Proclamation Related to Sunshine Law In-Person Meetings dated December 29, 2021, the Commission will hold this meeting remotely using interactive conference technology, with members and the public participating via the BlueJeans platform.

DATE: Thursday, February 10, 2022

TIME: 12:30 p.m.

REMOTE MEETING LOCATION: Bluejeans; <https://bluejeans.com>
Enter Meeting ID: 474 331 875

VIDEO ACCESS & TESTIMONY: To access the meeting, provide video testimony, or watch the meeting by computer or other mobile device, log onto <https://bluejeans.com> and enter the Meeting ID 474 331 875, or use the meeting link, <https://bluejeans.com/474331875>.

PHONE ACCESS & TESTIMONY: To listen to the meeting or provide testimony by phone, dial 1 (408) 915-6290 (toll-free) and enter Meeting ID 474 331 875.

**COUNTY OF MAUI
COMMISSION ON PERSONS WITH DISABILITIES
REGULAR MEETING AGENDA
FEBRUARY 10, 2022**

ORAL TESTIMONY: Testimony will be taken at the meeting as determined by the Chair. Oral testifiers are afforded three (3) minutes to testify on each agenda item. Testifiers are asked to mute their audio and video when they are not testifying.

Testifiers via video may sign-up to testify by sending a direct message in the Chat function to the Commission staff, signifying their intention to testify and noting the agenda item number. Testimony shall not be submitted within the Chat function, and the Chat function may not be used to contact Commissioners, or other meeting participants, for commenting on the agenda items, or other matters.

Testifiers via phone will be called after video testimony has concluded.

WRITTEN TESTIMONY: Whether sent via email, fax, or USPS, written testimony should be received by 5:00 p.m., two business days before the meeting to ensure distribution to the Commissioners. Email written testimony to rae-ann.pagatpatan@co.maui.hi.us; fax "Attention: Commission on Persons with Disabilities" to (808) 270-7935; or mail to the **Commission on Persons with Disabilities, c/o Maui County Office on Aging, 95 Mahalani Street, Room 20, Wailuku, Hawaii 96793**. Testimony submitted after such date and time will still be accepted by the Commission.

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **WELCOME NEW COMMISSIONER - Rainey Dock Matthews**
4. **PUBLIC TESTIMONY** – Written or oral testimony must relate to an item on the meeting agenda. Testifiers are requested to state their name and which agenda items they will be testifying on for the record. Maximum time limit of three (3) minutes per agenda item. At the discretion of the Chair, public testimony may also be taken when each agenda item is discussed.
5. **APPROVAL OF MEETING MINUTES – January 13, 2022 Meeting**
6. **NEW BUSINESS**
 - A. **PRESENTATION BY AND DISCUSSION WITH CURTIS MOTOYAMA, ADA COORDINATOR FOR THE STATE OF HAWAII DEPARTMENT OF TRANSPORTATION, ON THE APPLICATION OF ACCESSIBILITY REQUIREMENTS RELATED TO THE STATE OF HAWAII DEPARTMENT OF TRANSPORTATION AIRPORTS, HARBORS, AND HIGHWAYS**

**COUNTY OF MAUI
COMMISSION ON PERSONS WITH DISABILITIES
REGULAR MEETING AGENDA
FEBRUARY 10, 2022**

7. UNFINISHED BUSINESS

- A. A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.36, MAUI COUNTY CODE, RELATING TO THE MAUI COUNTY GRANTS PROGRAM, RELATED TO SELF-SUFFICIENCY PREFERENCE** – Continue the discussion on the proposed amendment to the Maui County Code and update on Commission’s efforts to notify grantees for comments

8. UPCOMING EVENTS/ANNOUNCEMENTS

9. AGENDA SETTING

A. SCHEDULED OR PENDING SCHEDULING

- 1) Hawaii Disability Rights Center (HDRS) – Presentation by Verna Waikiki (March 2022)
- 2) Counseling and interpreting services for the Deaf, Hard of Hearing, and Deaf Blind – Presentation by Rosalind Kia, Program Coordinator, Comprehensive Service Center (pending)
- 3) County of Maui Section 8 Housing Voucher Program – Presentation by Gail Rumbaoa regarding reasonable accommodations, alternate housing projects, and other potential housing opportunities for person with disabilities. (April 2022)
- 4) State of Hawaii, Department of Health, Developmental Disabilities Division, Home and Community Based Services– Presentation by Wendie Lino (pending)
- 5) Mental Health Awareness and Resources –Presentation by Mental Health of Hawaii – Maui (pending)

B. OTHER AGENDA SETTING REQUESTS

10. NEXT MEETING

The next regular meeting is scheduled for Thursday, March 10, 2022 at 12:30 p.m. via BlueJeans video/teleconferencing.

11. ADJOURNMENT

AGENDA ITEMS ARE SUBJECT TO CANCELLATION.

**COUNTY OF MAUI
COMMISSION ON PERSONS WITH DISABILITIES
REGULAR MEETING AGENDA
FEBRUARY 10, 2022**

SPECIAL ASSISTANCE: If you require an auxiliary aid or service or an accommodation due to a disability, please contact the Commission Staff no later than three (3) business days prior to the scheduled meeting by calling **(808) 270-7755** or by email to **rae-ann.pagatpatan@co.maui.hi.us**.

BOARD PACKETS: Board packets, as defined in § 92-7.5, Hawaii Revised Statutes are available for public inspection at the Office on Aging. They may also be found on the Commission website under Meeting Documents.

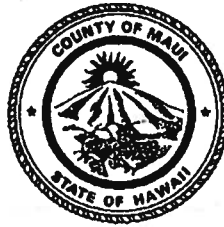
EXECUTIVE SESSION: An executive session may be called in order for the Commission to consult with its attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities and liabilities, pursuant to § 92-5(a)(4), Hawaii Revised Statutes.

INTERRUPTION IN VIDEO/AUDIO: If the connection between any testifier and the video conference is lost, the meeting will continue. A meeting held by interactive conference technology shall be automatically recessed for up to thirty minutes to restore communication when audiovisual communication cannot be maintained with Commissioners participating in the meeting. If connection cannot be restored within 30 minutes, the meeting is automatically terminated.

PLEASE NOTE: If any member of the Commission is unable to attend the scheduled meeting, please call **(808) 270-7755** at least one (1) day prior to the meeting date. Thank you for your cooperation.

EVALINA "NANI" WATANABE
Chair

KIMBERLY WEST
Vice Chair



Commissioners:

ANDREA ROGERS
BEVERLY STANICH
MELISSA JOHNSON
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COUNTY OF MAUI
COMMISSION ON PERSONS WITH DISABILITIES

J. Walter Cameron Center
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Wailuku, Hawaii 96793
Phone: (808) 270-7755
Fax: (808) 270-7935

January 18, 2022

Dear Stakeholders,

The Maui County Commission on Persons with Disabilities has reviewed and is discussing a proposed bill for an ordinance by Councilmember Tasha Kama which would amend Maui County Code Chapter 3.36, relating to the Maui County Grants Program. The Commission understands that this bill proposes to add a section to the Code to read as follows:

"3.36.200 Self-sufficiency preference. In the review of a grant applications, each agency must give a clearly stated preference to social-service providers offering programs that are designed to reduce the dependency of their clients on a long-term basis. This self-sufficiency preference must be substantial and be included in any request or solicitation by the agency for grant applications."

The purpose of this proposed bill is to give preference in the awarding of grants for applications for the provision of social services. The preference is to be given to social-service programs that provide clients the ability to wean themselves from social assistance.

In our role as an advisory group to the County of Maui administration and County Council, we have serious reservations about this proposed amendment. There are approximately 17,504 people with disabilities in Maui County (10.4% of total Maui County Population, 2020, NIDILRR). Within this population, many of them are not able to be independent or self-sufficient due to the nature and severity of their disability. According to the CDC:

- 13.7% of people with a disability have a mobility disability with serious difficulty walking or climbing stairs.

Page | 3
January 18, 2022

amendment by February 28, 2022. Please send your comments to the Commission Secretary at rae.ann.pagatpatan@co.maui.hi.us, as well as a copy to Councilmember Tasha Kama at tasha.kama@mauicounty.us. The Commission also invites you to its regular meeting on March 10, 2022 at 12:30 p.m. to provide public testimony on this matter.

Respectfully,

A handwritten signature in cursive script that reads "Evalina Watanabe".

Evalina Watanabe, Chair
Maui County
Commission on Persons with Disabilities

Enclosures

Chapter 3.36 MAUI COUNTY GRANTS PROGRAM

3.36.010 Definitions.

As used in this chapter, unless the context otherwise requires:

"Agency" means any department, agency, or other establishment of the County government, but shall not include the council.

"Grant" means an appropriation, allocation, or disbursement of County funds or County real property to a recipient for a public purpose.

"Loan" means a loan of funds to a recipient for a specified purpose, conditioned upon repayment of the loan of funds, including the County's ability to post a lien on the recipient's assets.

"Nepotism" means appointing persons to positions on a basis of their blood or marital relationship to the appointing authority, rather than on merit or ability.

"Recipient" means a qualified applicant under Section 3.36.040 which receives a grant from the County.
(Ord. No. 4027, § 1, 2013; Ord. 2677 § 1, 1998; Ord. 2661 § 1, 1998; Ord. 2326 § 1, 1994; Ord. 1859 § 7 (part), 1989; Ord. 1353 § 2 (part), 1983)

3.36.020 Review.

- A. An agency accepting applications for a grant or loan shall adopt rules pursuant to chapter 91, Hawaii Revised Statutes, relating to the following:
1. Conditions for grants;
 2. Procedures and a timetable for the submission of requests;
 3. The analysis required of requests;
 4. Procedures and standards for monitoring and evaluating grants.

(Ord. No. 4027, § 2, 2013; Ord. 1859 § 7 (part), 1989; Ord. 1353 § 2 (part), 1983)

3.36.030 Soliciting applications.

When an appropriation is available for allocation, other than to a recipient identified in the annual budget or amendments thereto, the agency shall post on the County website and publish in the local newspaper the availability of the appropriation, and shall solicit applications.

(Ord. No. 4027, § 2, 2013; Ord. 1859 § 7 (part), 1989; Ord. 1353 § 2 (part), 1983)

3.36.040 Qualifying standards for applicants.

An applicant for a grant or loan shall meet all of the following standards:

- A. Be a profit organization incorporated under the laws of the State of Hawaii, or a nonprofit organization determined to be exempt from federal income tax by the Internal Revenue Service;

-
- B. In the case of a nonprofit organization, have a governing board whose members have no material conflict of interest and serve without compensation;
 - C. Have bylaws or policies which describe the manner in which business is conducted. Such bylaws or policies shall include provisions relating to nepotism and management of potential conflict-of-interest situations;
 - D. Be licensed and accredited in accordance with applicable requirements of federal, state, and County governments, as necessary.

(Ord. No. 4027, § 4, 2013; Ord. 1859 § 7 (part), 1989; Ord. 1353 § 2 (part), 1983)

3.36.050 Conditions for grants or loans.

An applicant for a grant or loan shall agree to comply with the following conditions before receiving benefits under such grant:

- A. Allow the agency, the mayor, or the committees of the council and its staff, and the independent auditor of the County full access to records, reports, files, and other related documents in order that the program, management, and fiscal practices of the recipients may be monitored and evaluated to assure the proper and effective expenditure of public funds as necessary; and
- B. Comply with such other requirements as the agency or the council may prescribe to ensure adherence by the recipient with federal, state, and County laws.

(Ord. No. 4027, § 5, 2013; Ord. 1859 § 7 (part), 1989; Ord. 1353 § 2 (part), 1983)

3.36.060 Reserved.

Editor's note(s)—Section 6 of Ord. No. 4027, effective April 22, 2013, repealed section 3.36.060, which pertained to submissions of requests and derived from Ord. No. 1353, 1983; Ord. No. 1859, 1989; and Ord. No. 2326, 1994.

3.36.070 Applications.

An applicant for County funds shall complete an application which shall be reviewed and verified by agency personnel. Each application shall include, but not be limited to:

- A. The public purposes to be served;
- B. The objectives intended to be achieved;
- C. The activities and services to be performed;
- D. The reasonableness of personnel classification and compensation plans, if the application includes funding for personnel service costs;
- E. The probable efficiency and effectiveness of the proposed grant in achieving the intended objectives, compared with other alternatives;
- F. The target group to be affected;
- G. Measures by which the effectiveness of the grant or loan is to be evaluated;
- H. The analysis and justification for the recommended grant or loan.

(Ord. No. 4027, § 7, 2013; Ord. 1859 § 7 (part), 1989; Ord. 1353 § 2 (part), 1983)

3.36.080 Reserved.

Editor's note(s)—Section 8 of Ord. No. 4027, effective April 22, 2013, repealed section 3.36.080, which pertained to allocation of appropriations, and derived from Ord. No. 1353, 1983; Ord. No. 1859, 1989; Ord. No. 2319, 1994; Ord. No. 2661, 1998; and Ord. No. 2677, 1998.

3.36.090 Grants of real property.

The agency shall transmit to the council any application for a grant of real property, including concessions at less than fair market value, and its recommendations with respect to the application. The council may authorize the grant by resolution.

(Ord. No. 4027, § 9, 2013; Ord. 1859 § 7 (part), 1989; Ord. 1353 § 2 (part), 1983)

3.36.100 Contracts.

- A. An appropriation for a grant or loan shall not be expended unless a contract is entered into between the County and the recipient.
- B. Each contract shall specify that the County shall not be held liable for any claims or damages resulting from the acts of the recipient and require adequate insurance coverage naming the County as an additional insured.

(Ord. No. 4027, § 10, 2013; Ord. 1859 § 7 (part), 1989; Ord. 1353 § 2 (part), 1983)

3.36.110 Reports by recipients.

- A. Recipients of a grant or loan.
 - 1. All recipients of a grant or loan shall keep detailed, separate financial records relating to funds received from the County. Audits of such financial records shall be performed as required in the rules and regulations adopted by the County, provided, however, that any nonprofit organization with an annual budget of \$25,000 or less may have their records audited by the department of finance.
 - 2. Within three weeks after the end of each quarter of the fiscal year, each recipient of a grant or loan shall transmit to the agency a report containing the following information for the quarter and for the fiscal year to date:
 - a. Program status summary;
 - b. Program data summary;
 - c. Summary of participant characteristics;
 - d. Financial status report of the County funds used; and
 - e. Narrative report.
 - 3. Reports by each recipient of a grant or loan shall continue through the fiscal quarter in which the moneys to be received from the County are completely expended or, in the case of a loan, until all funds have been repaid.
- B. Recipients of a grant of real property.

-
1. Within three weeks after the end of the fiscal year, each recipient of a grant of real property shall transmit to the agency a report containing the following information for the quarter and for the fiscal year to date:
 - a. Program status summary;
 - b. Program data summary;
 - c. Summary of participant characteristics;
 - d. Changes in real property tax assessment for the real property;
 - e. Earnings from the grant of real property; and
 - f. Narrative report.

(Ord. No. 4027, § 11, 2013; Ord. 1859 § 7 (part), 1989; Ord. 1430 § 1, 1984; Ord. 1353 § 2 (part), 1983)

3.36.120 Monitoring and evaluation.

- A. The agency shall monitor every grant to ensure compliance with this chapter.
- B. Within eight weeks after the end of the fiscal year, the agency shall transmit to the mayor and council an evaluation of every grant which was appropriated during the fiscal year. The report shall contain a summary of whether each grant attained the intended results in the manner contemplated.

(Ord. No. 4027, § 12, 2013; Ord. 1859 § 7 (part), 1989; Ord. 1353 § 2 (part), 1983)

3.36.130 Noncompliance.

Any recipient who withholds or omits any material facts, or deliberately misrepresents such facts to the council, the mayor, or any agency, shall be in violation of this chapter. If the agency finds that a recipient has violated this chapter or the terms of its contract, the agency shall inform the mayor who shall inform the council in writing, and the council may then by resolution prohibit the recipient from applying for any grant for five years following such finding, require the recipient to return all funds or real property granted to the recipient, and require the recipient to be subject to debarment proceedings.

(Ord. No. 5105, § 1, 2020; Ord. No. 4027, § 13, 2013; Ord. 1859 § 7 (part), 1989; Ord. 1353 § 2 (part), 1983)

3.36.140 Delegation by mayor.

The mayor may delegate the mayor's duties under this chapter to the extent allowed by law.

(Ord. No. 4027, § 14, 2013; Ord. 1859 § 7 (part), 1989; Ord. 1353 § 2 (part), 1983)

3.36.150 Applicability.

All grants of County funds and County real property are subject to this chapter. Nothing in this chapter shall restrict the council from appropriating grants for public purposes, except for noncompliance under section 3.36.130, provided that sections 3.36.070 to 3.36.140 shall apply.

(Ord. No. 4027, § 15, 2013; Ord. 1859 § 7 (part), 1989; Ord. 1353 § 2 (part), 1983)

3.36.160 Reserved.

Editor's note(s)—Section 16 of Ord. No. 4027, effective April 22, 2013, repealed section 3.36.160, which pertained to types of grant applications, and derived from Ord. No. 2247, 1993.

3.36.170 Loans.

- A. Council may authorize loans by requiring, as a condition of the loans of funds, repayment of the loan, including the County's ability to post a lien on the recipient's assets.
- B. Every application for a loan shall include, but not be limited to, the information required by section 3.36.070.
- C. All loans must comply with sections 3.35.050, 3.36.070, and 3.36.100 to 3.36.140.
- D. At the application of the recipient, loan repayment terms may be revised, deferred, or waived, in part or in whole by a resolution of the council.

(Ord. No. 4027, § 17, 2013; Ord. 2326 § 3, 1994)

3.36.180. Reserved.

Editor's note(s)—Ord. No. 3641, § 1, adopted May 28, 2009, repealed § 3.36.180, which pertained to recycling grant-loan revolving fund. See also the Code Comparative Table and Disposition List.

3.36.190 Disbursement.

Recipients of grants are eligible for upfront disbursement of twenty-five percent or more of grant funds, and any remaining grant funds must be paid through the agency's reimbursement process.

(Ord. No. 5105 , § 1, 2020)

ORDINANCE NO. _____

BILL NO. _____ (2021)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.36, MAUI COUNTY
CODE, RELATING TO THE MAUI COUNTY GRANTS PROGRAM

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. The purpose of this Ordinance is to improve the long-term viability of the Maui County grants program by providing a clearly stated preference in the awarding of grants for applications for the provision of social services. The preference is to be given to social-service programs that provide clients the ability to wean themselves from social assistance—the practical application of “give a man a fish and you feed him for a day; teach a man to fish and you feed him for a lifetime.”

SECTION 2. Chapter 3.36, Maui County Code, is amended by adding Section 3.36.200 to read as follows:

“3.36.200 Self-sufficiency preference. In the review of a grant applications, each agency must give a clearly stated preference to social-service providers offering programs that are designed to reduce the dependency of their clients on a long-term basis. This self-sufficiency preference must be substantial and be included in any request or solicitation by the agency for grant applications.”

SECTION 3. New material is underscored. In printing this bill, the County Clerk need not include the underscoring.

SECTION 4. This Ordinance takes effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel
County of Maui

paf:lma:20-168a