

**PARKS AND AGRICULTURE COMMITTEE**  
Council of the County of Maui

**MINUTES**

**June 17, 2004**

**Council Chamber**

**CONVENE:** 1:36 p.m.

**PRESENT:** Councilmember Jo Anne Johnson, Chair  
Councilmember Robert Carroll, Vice-Chair  
Councilmember Michael J. Molina, Member  
Councilmember Joseph Pontanilla, Member

**EXCUSED:** Councilmember Charmaine Tavares, Member

**STAFF:** Tamara R. Koller, Legislative Analyst  
David M. Raatz, Legislative Attorney  
Shelly Espeleta, Legislative Analyst  
Clarita L. Balala, Committee Secretary

**ADMIN.:** John Buck, Deputy Director, Department of Parks and Recreation  
Keith Regan, Director, Department of Finance  
Edward S. Kushi, Jr., Deputy Corporation Counsel, Department of the  
Corporation Counsel

**OTHERS:** Martin Kirk, Kiteboarding School of Maui  
Additional attendees (2)

**PRESS:** Ilima Loomis, *The Maui News*  
AKAKU – Maui Community Television, Inc.

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**CHAIR JOHNSON:** ...*(gavel)*... The Parks and Agriculture Committee Meeting of June 17<sup>th</sup> will come to order. We have with us today Members of the Committee, Vice-Chair, Mr. Robert Carroll. We have Member Michael Molina and Member Joseph Pontanilla. Councilmember Tavares is excused.

Also with us we have Clarita Balala who is one of our staff secretaries. We have Mr. David Raatz. We have a new secretary with us, Shelly, and Shelly what is your last name?

**MS. ESPELETA:** Espeleta.

**PARKS AND AGRICULTURE COMMITTEE MINUTES**  
Council of the County of Maui

June 17, 2004

---

CHAIR JOHNSON: Espalito [sic]. So she will be joining us. And also we have Tamara Koller who is also with Council Services staff. From the Administration, we have Mr. John Buck who is Deputy Director of Parks; Mr. Keith Regan who is the Director of Finance; and from Corporation Counsel, we have Mr. Ed Kushi. So thank you all for attending today's meeting. We have one item on our agenda today and that is Parks and Agriculture No. 14.

**ITEM NO. 14: TRANSITION TO NEW OCEAN RECREATIONAL ACTIVITY BUSINESS PERMITS ORDINANCE**

CHAIR JOHNSON: And this is the transition to new ocean recreational activity business permits ordinance. Because we are not going to be making any decisions today on this particular subject and also because of recent events that have happened to extend Chapter 5.24 prior to the new Chapter under 13 taking effect, I felt it was important to give the vendors, as well as the general public, an opportunity to understand what we were actually doing so that they would understand what actions were being taken by the Administration through this transition period. I think it will be helpful to clear up a lot of matters with regard to this particular subject because I know that there is a great deal of confusion about who's entitled to operate, what section of the Code is applicable, and which is not, and particularly for those individuals that will be reapplying for their permits. So this is a general information meeting. As I've stated already we will not be making any decisions but we do have . . . I believe at this time I will give the option of the individuals who wish to testify. Either they may testify at this point in time or they can listen to the explanations or at least the update from our Parks and also Finance Department and then choose to testify. Would the individuals who have signed up to testify and right now I have Mr. Martin Kirk, do you wish to defer, Mr. Kirk?

MR. KIRK: Yes, ma'am.

CHAIR JOHNSON: All right. So at this point in time I would like at least our Finance Director and also Mr. Buck to give an overview of what is happening during this transition period where we have permits that will be reapplied for underneath the old Ordinance 5.24. So if you would, Mr. Regan.

MR. REGAN: Thank you, Chair Johnson. Keith Regan, Director of Finance for the County of Maui. Thank you for this opportunity to be here this afternoon with you to share a little bit of insight from the Finance perspective regarding Section 5.24 and our request to extend the sunseting of that particular section of the Code for one year. The Department of Finance, as you know, has been tasked with managing Section 5.24, which is the ocean recreation activity permits ordinance that's set forth by the Council. And you know, we came into a situation where it was apparent just recently that we would not be able to meet some of the requirements of 13.04 and we needed to request an extension for a period of

**PARKS AND AGRICULTURE COMMITTEE MINUTES**  
Council of the County of Maui

June 17, 2004

---

approximately 12 months so that we would be able to provide some additional support and assistance to the Parks Department for the transition of that particular . . . that particular responsibility as well as allowing them an opportunity to complete their Environmental Assessment of the parks.

Specifically, our plan at this point is to allow, as it's stated in the proposed ordinance, to allow those people who have . . . who are currently permit holders . . . currently permit holders under Section 5.24 to reapply for a one-year extension and that process will be handled internally. Our plans are to send out notifications to all current ocean recreation activity permit holders as of . . . actually I had down here as of June 18<sup>th</sup> because we need to contact them to advise them to be able to reapply.

The other issue is that the ordinance does, as it is now, states how long we have to be able to turn a permit around which is about 30 working days I believe according to Section 5.24. And you know, part of the problem that we have at this point is being that it is the 18<sup>th</sup> or the 17<sup>th</sup> of the month, there's no way that we can process any permits at this point really. It's almost not really feasible at this point for anybody wanting to get a new permit that's not currently . . . does not currently have a permit for them to be even part of the system at this point just because of the time factor. So that's one of the reasons why we're going to send out the notifications by mail to those individuals or businesses that currently hold a permit by the 18<sup>th</sup>. However, you know, failure to receive that notice does not absolve them of not being able to reapply. They're still going to have to come in and reapply. We do have personnel that will be able to assist with this. Currently, I think one of the issues that was brought up was that we had a recent retirement of the individual who was sort of overseeing that section within the Department of Finance and that is true. However, we do have, you know, we do have some personnel that we're going to assign to that responsibility to ensure that that's taken care of.

I'm not too sure how specific you'd like me to get, Chair, but . . .

CHAIR JOHNSON: Actually, I think it would be helpful, too, because some of the individuals who are in the audience as well as those individuals that could not make it, they basically wanted to know what do they have to physically do--

MR. REGAN: Sure.

CHAIR JOHNSON: --to reapply and what would they expect when they went down to Department of Motor Vehicles. Are you doing any new forms or will there be any kind of an administrative extension while this whole transition is going on? So be as thorough as you can so that at least it will give the general public, as well as those vendors who do have to renew permits, the information that they require.

**PARKS AND AGRICULTURE COMMITTEE MINUTES**  
Council of the County of Maui

June 17, 2004

---

MR. REGAN: Thank you, okay. I can go into a little bit more detail then, Chair. Thank you for that clarification. We are going to request that the current permit holders receive a one month administrative extension which would provide us an opportunity to process those applications that will be coming in from those individuals. So that's something that I have down here that we're going to pursue. I'm not sure if that's something that is only the Mayor can do or if it's going to require Council approval or both. I believe it can be done administratively, but you know, that does not mean that these individuals that are holding permits won't have to come in and make a payment for that month. So I believe they're still going to have to pay a prorated amount in regards to the fee. Again, we're only going to accept applications by people that hold a permit as of June 30<sup>th</sup>, 2004.

So, again, I mentioned earlier that if your, you know, if you decide today that you wanted to get a ocean recreation activity permit, the likelihood that your permit would be issued by June 30<sup>th</sup> is next to none I guess at this point. Simply because we need . . . the ordinance provides 30 days, 30 working days for the departments to provide comments and that's required under the ordinance as it is right now.

So essentially going back to that, so if you are an ocean recreation activity permit holder and June 30<sup>th</sup> rolls around, you will have to reapply. We are asking in our notification we are going to request that they come in to our office, hold on a second here, let me just get to the dates . . . *(short pause)* . . . they would be required to submit their respective applications to the Department of Finance by Wednesday, June 30<sup>th</sup>, 2004. So if you are a ocean recreation activity permit holder, you're going to have to come in to the Department of Finance, Division of Motor Vehicles and Licensing at the Kahului Service Center by June 30<sup>th</sup> to submit your application. I don't know how much more specific I can get but we close our doors at four o'clock so those individuals will have to be in at the Service Center with their application in hand, completed, so that we can accept that by Wednesday, June 30<sup>th</sup>, 2004. We will take that application. We will then submit it to both the Parks Department as well as the Maui Police Department for their comments. Although the ordinance does provide for 30 days, we're going to request the departments turn those around and have them back to us in a timely manner because we're gonna need to effectuate this, this application for this permit as soon as possible.

We're going to . . . once we accept those in on June 30<sup>th</sup>, we'll make copies. On July 1<sup>st</sup>, we will send those copies to the departments that I just spoke of. We're going to ask that those departments submit them to us by July 21<sup>st</sup>, that's Wednesday, July 21<sup>st</sup>, so that we can go ahead and notify the permit holders whether or not their applications have been accepted. Just because these people or these individuals or these businesses had or held a permit prior to June 30<sup>th</sup> does not necessarily mean that the Parks Department or the Maui

**PARKS AND AGRICULTURE COMMITTEE MINUTES**  
Council of the County of Maui

June 17, 2004

---

Police Department are going to simply sign off on these permits. They're gonna still go through the same overview that they went through during the prior processes when they applied the first time. So we're not asking them to just sign off, we're asking them to go through and make a thorough check on these permit applications.

We are gonna also and I believe it's in the ordinance or in the . . . what was submitted, any permit holder that is applying for a beach park that is banned under 13.04, however, but that is not banned under 5.24, we will honor that beach park as being banned in the application. So, for instance, if they're coming in and they're applying for that beach park and under 5.24 it's okay but under 13.04 it's not, we will not allow that beach park to be utilized for ocean recreation activity permits. We believe that by doing so we will prevent . . . we'll prevent Parks and Recreation from going through a lot of hardship and also with the businesses from going through a lot of hardship because they will have been operating in those locations for one year. There are plenty of beach parks out there that they can apply for other than the ones that are banned. So it's not as though we're, you know, severely limiting the options for the ocean recreation activity permit holders to be able to do their business.

Applications that are not returned to us, returned to the Department of Finance by the departments by Wednesday, July 21<sup>st</sup>, will be deemed to have been received . . . will be deemed to have received a recommendation for approval from the respective departments and that's, that's just so that we can move forward with the process. I mean we're setting forward . . . setting forth this deadline for them to respond to us. We feel that there's sufficient time to review the applications and then we need to again make a decision because the longer that we wait and the closer that we push that envelope to the end of July, you know, the more potential for problems that we may have. So that's why we're setting forth these deadlines.

We will then issue notifications to the applicants via mail on Friday, July 23<sup>rd</sup>, so that they will receive something formally from the department. They are welcome to if they want to call in and ask and check on Friday, July 23<sup>rd</sup>, to see if their application has been approved. We will let them know by phone. They're welcome to come in to the Service Center and check. By no means are we gonna just, you know, relegate this to mail and say I'm sorry wait for your mail. I mean we want to help the permit holders so, you know, they can call us or they can come in. The approved applications or the approved applicants will be required to go to the Department of Finance, Kahului Service Center at the Maui Mall, by Friday, July 30<sup>th</sup>, that's Friday, July 30<sup>th</sup>, before the close of business to pay the prorated fees for that permit.

Any or all issued permits are gonna be set to expire on June 30<sup>th</sup>, 2005. I believe that's some of the discussion that's been had. Now, I guess the real question is

**PARKS AND AGRICULTURE COMMITTEE MINUTES**  
Council of the County of Maui

June 17, 2004

---

gonna be that if Parks is done with their Environmental Assessment prior to that period, you know, will those permits be rescinded, and I think that's I guess discussion that we may have today on that item. But we will have June 30<sup>th</sup>, 2005 as the expiration date on the permit itself providing us I guess about 12 . . . 11 or 12 months to complete the EA . . . for Parks Department to complete the EA.

I think . . . oh, one last thing is that approved applications that are not paid by the close of business day on Friday, July 30<sup>th</sup>, 2004; in other words, if you've been approved, but you failed to come in and pay for your application or pay for your permit by the 30<sup>th</sup> after being notified or regardless of being notified, I mean we will make every effort to notify those individuals but they're going to have to make an effort to come in and try to contact us as well if they haven't received anything from us, but those that have been approved, we're going to deem them abandoned by the applicant and the application will be voided and it will be treated as though they did not have a permit prior to June 30<sup>th</sup>. And if they would like, you know, they can apply for permit on the Parks 13.04 because my understanding is that 13.04 still exists so they can even though I mean they probably wouldn't be approved because there's no parks that they can actually do anything anyways right under 13.04. But they could also go for a Type V permit because my understanding is if they really, really want to do business in a park, they can, but they're gonna have to pay the price for that. So, yeah, \$300 a day, thank you.

We are making every effort, Chair, to try to accommodate these individuals that have permits. We will go above and beyond what is required, you know, to assist them. We have the applications at the Department of Finance, Division of Motor Vehicles and Licensing. They want to come in now, they can come in now and get the applications. They can start today . . . reapplying and I would recommend that they do that because the earlier that we can get those applications in, the better it would be for all of us. I hope I've provided enough detail for you, Chair and the Members, and I'm happy to answer any questions that you may have.

CHAIR JOHNSON: Yes. Are there any questions on the part of any of the Members?  
Yes, Councilmember Pontanilla.

COUNCILMEMBER PONTANILLA: Thank you, Chair. Keith, can you explain . . . you mentioned about approval from the Mayor or the Council in regards to that one month . . . is it a one-month extension?

MR. REGAN: Yeah, we're . . . if I may, Chair?

CHAIR JOHNSON: Yes.

**PARKS AND AGRICULTURE COMMITTEE MINUTES**  
Council of the County of Maui

June 17, 2004

---

MR. REGAN: Thank you, Member Pontanilla. Actually, see we need some time to be able to process the permit applications and I felt that one month is going to be sufficient. If we can get everything in by the 30<sup>th</sup> and which we are requiring, you know, they have to reapply by the 30<sup>th</sup>, if we can get that in for us to complete the process, we're going to need about a month. So my question . . . it was more of a question I guess is I'm not sure if it's something that can be done administratively by the Mayor or if it's something that's going to require Council approval. I'm not . . . to be honest with you I don't know where that comes from, Member Pontanilla. I believe that the Mayor has the ability to administratively extend the permit but I would leave that to perhaps Corp. Counsel.

CHAIR JOHNSON: And that's where I would like Mr. Kushi to address that issue if you're able to at this point in time because I know tomorrow we do have 5.24 up for reading. And incidentally, to expand on something that you said, even though you would be looking at the parks under 13 that would be banned, the amendment that was added on during the first reading did include those parks and it will state them by name so that will be possible. I think that Mr. Kushi will have to address the extension though because I don't know what it's going to require in order to accomplish that.

MR. KUSHI: Madam Chair, may I request a recess?

CHAIR JOHNSON: Yes. Short recess subject to the call of the Chair . . . (*gavel*) . . .

**RECESS: 1:55 p.m.**

**RECONVENE: 2:03 p.m.**

CHAIR JOHNSON: . . . (*gavel*) . . . The Parks and Agriculture Committee Meeting will reconvene. I believe that during the break, Mr. Kushi, was able to research the topic and so, Ed, do you have some discussion that you want to undertake at this point?

MR. KUSHI: Yes, Madam Chair, if I may and please understand . . . let me preface my comments that this is a question of first immediate impression for me, but in talking to the Director of Finance during the break, we believe that he has the authority to carry out his plan and let me explain. Under 5.24.050, under the Term of the Permit; Revocation, Section A, in essence it says any permit issued shall expire automatically for the time period specified in the permit. But it also says in no event shall a permit be issued for a period in excess of one year from the date of issuance. So if you have a permit for six months, at the end of the six months, we don't have to say anything, it expires. But you can't have a permit in excess of one year. Under Section 5.24.030, Subsection F as in Frank, under Issuance or Denial of Permits, it says . . . states the director shall issue the permit upon payment of any required fee with or without special conditions or

**PARKS AND AGRICULTURE COMMITTEE MINUTES**  
Council of the County of Maui

June 17, 2004

---

requirements as may be appropriate. In essence, we believe that this gives the Director the discretion to extend existing permits for this one-month period as long as the extension does not exceed one year.

CHAIR JOHNSON: Okay. Mr. Regan, would you like to comment further?

MR. REGAN: Yeah, thank you, Chair. And in doing a review of the 57 permits that are currently issued, it does look like we would be able to administrative . . . administratively extend all 57. There are none that would fall inside of that prohibitive ranges described by Deputy Corporation Counsel Kushi.

CHAIR JOHNSON: Thank you very much. Does that answer your question, Councilmember Pontanilla?

COUNCILMEMBER PONTANILLA: Yes, Chair. Thank you very much. Thank you.

CHAIR JOHNSON: Thank you. Are there any other questions by any other of the Members? Councilmember Molina.

COUNCILMEMBER MOLINA: Yeah, thank you, Madam Chairman. Mr. Regan, the one-year proposal to extend it . . . I'm just curious. How did you folks come up with deciding on one year rather than say six months or three months?

MR. REGAN: If I may, Chair? In the ordinance itself it talks . . . it speaks of a one-year permit.

COUNCILMEMBER MOLINA: Oh, okay.

MR. REGAN: So that was pretty much the reasoning behind asking for a one-year extension. I think additionally though and having some discussions internally with the Parks Department, the Environmental Assessment is not going to be an easy process. It's going to be a very long process. They have a number of parks that they have to go through. It's not something that is going to be done probably in six months. And I would hate to have to come back again and ask you to review or allow another extension and us have to go through this again. As much as possible we're trying to reduce the amount of burden on you as Council Members, as well as on the Administration, so . . . and as well as on the permit holders. To have them go through this process over and over and over again just to me didn't make a lot of sense. So that was why we kind of . . . we saw the 12 months in the ordinance, we kind of applied that, and then based on some of the logic from the discussions that we had decided on 12 months.

COUNCILMEMBER MOLINA: Okay, yeah, and that's what my question is tied to . . . the EA. So you feel comfortable the EA will be done within that one year?

**PARKS AND AGRICULTURE COMMITTEE MINUTES**  
Council of the County of Maui

June 17, 2004

---

MR. REGAN: I, you know, oh, I'm sorry, Chair?

CHAIR JOHNSON: Please.

MR. REGAN: Well, I really . . . I really do not . . . I cannot answer that question. I cannot answer it because I'm not sure how long it's gonna take for them to go through every single beach park and provide an Environmental Assessment, which is what's going to have to happen, and you know, I'm not sure if they're going to break it up into phases perhaps and try to hit, you know, 12 parks here and 12 parks there and that might be a little bit sooner. We might be able to get through that quicker but I would hope that in 12 months, one year from now, that the Environmental Assessment would be completed at least to the extent that we would be able to move this or begin 13.04 and finally sunset 5.24.

COUNCILMEMBER MOLINA: Okay, thank you, Mr. Director. Thank you, Madam Chair.

CHAIR JOHNSON: Yes, Mr. Pontanilla.

COUNCILMEMBER PONTANILLA: Yeah. Question on the EAs. Is it going to be done in-house or are we going to be hiring someone to do the EAs for the County . . . the Parks Department?

MR. REGAN: I can answer that. Actually, in our discussions, originally, I believe the Planning Department had said that they were going to assist the Parks and Recreation Department in performing this Environmental Assessment. Unfortunately, due to some I guess prior commitments, they weren't able to do that so now the Parks Department has to go externally for an Environmental Assessment. So we'll be working with them for that on that contract.

COUNCILMEMBER PONTANILLA: Good. Thank you. Thank you, Chair.

CHAIR JOHNSON: Thank you. Any . . . any more questions? The Chair has a question with regard to someone who does not get their permit renewed. Because we did include a provision where a business owner who was denied and I can't recall, Mr. Kushi, if that's under 5.24 or if it only exists underneath 13.04, would that individual then be able to go before the Board of Variances and Appeals and then have a period of time where he could actually comply? And if you need a little time on that, Mr. Kushi, I can wait for your response or would you be able to answer that now?

MR. KUSHI: Yes, I can, Madam Chair. We did amend 5.24 in 2003 to provide for an appeals process to go to the BVA. In essence, appealing any decision by the Director. So it's in both 5.24, as well as Chapter 13.

**PARKS AND AGRICULTURE COMMITTEE MINUTES**  
Council of the County of Maui

June 17, 2004

---

CHAIR JOHNSON: So if any offender who currently holds a permit and then reapplies is not granted that permit, he has an opportunity or they would have an opportunity then to at least be heard before the Board of Variances and Appeals?

MR. KUSHI: Correct.

CHAIR JOHNSON: Okay, thank you, that, that helps. Any other additional questions? One, and this is just a minor point, Mr. Regan, in regard to the actual physical form that the individuals will fill out, will that form contain or will there be some type of attachment so they know which beach parks they would not be allowed to reapply at?

MR. REGAN: Yeah, thank you, Chair. We do plan on . . . the application form is going to be essentially the same form that was used by the applicants when they first applied for the permit. We do plan on instructing them which parks they are not going to be able to have applied for, as well as when we accept the permits from them, we are going to review at that point to identify if they have placed any banned parks on that application. So that we can immediately return the application to them and they can make those adjustments and revisions and then just turn it back to us. And I'm talking about actually, hopefully, right there at the desk while they're having that interaction with our personnel or staff down there.

CHAIR JOHNSON: And I can only assume that that also would result in a certain amount in their fee structure because I believe it's \$500 with a . . . \$500 permit application fee for three parks maximum and then they would have to pay an additional \$100 for each additional park. Is that correct, Mr. Regan?

MR. REGAN: Chair, I'd have to review the Budget--

CHAIR JOHNSON: Okay.

MR. REGAN: --Ordinance just to make sure on the fees.

CHAIR JOHNSON: All right, thank you. And are there no other questions? Seeing none right now I would like to give an opportunity to Mr. Buck to also update us on some of the functions that their department is going to be taken on with regard to this transition period. So, Mr. Buck?

MR. BUCK: John Buck, Deputy Director for Department of Parks and Recreation. First of all, I apologize to my colleague, Mr. Regan, that he has to issue the parks permits for one more year. In regards to the question as far as the EA, knowing that the early part after the 13.04 was enacted, at the last minute the Environmental Assessment was one of the conditions before the department could issue permits under Chapter 13. At that time it was assumed or we assumed that the Planning Department was going to assist us in that. After we

**PARKS AND AGRICULTURE COMMITTEE MINUTES**  
Council of the County of Maui

June 17, 2004

---

had got word from the Planning Department that they would not be able to assist us, that we would have to go outside, we did do some preliminary . . . asked for some preliminary quotations to see what it would have cost us to do the parks. That's why we came up with the . . . during the budget process, the figure of 225,000. Since then that amount has reduced so the scope of work will be just related to those parks that are currently not banned. So all the beach parks or anything that we feel that will be parks that the vendors will be requesting permits for where we will be doing Environmental Assessment.

At one time we were going to do for every park because that was the comment was made that we should be doing Environmental Assessments for all activities in all parks. But we have elected just to expedite the process just to beach parks and those that activities take place. I should make one comment though in doing this research. We hope it doesn't happen, but there is the possibility that after the Environmental Assessment is done, there's always the possibility that an EIS being done also. So that may or may not . . . that may be a problem if the EA triggers that we gotta do an EIS, Environmental Impact Study. That could delay us as far as issuing permits. We hope not. Hopefully, we'll be all right.

Now, as far as our part in this transition period, the biggest problem that we're having right now is the enforcement. We do have in the upcoming budget approved by the Council and the Administration, six months funding for two officers, which means we wouldn't be able to use those positions until January 1<sup>st</sup>. That's when the funding starts. However, our plan is and we're currently working on coming up with a scope of work and in the interim will be looking at it at least hiring somebody on a part-time basis to go in and help us with the enforcements. We're still working on the details. I don't think this . . . to be honest with you I don't think this will happen by July 1<sup>st</sup>. However, it will be happening in the near future after that. In regards to our role in the permitting process is that we're planning to as soon as possible go out and get the EA done.

We also have a position of Administrative Clerk. Basically, kind of do the same functions that Jane was doing over at Finance before she retires. We have a position that has a two-fold position, one with working with our reservations system, but the other one, her other function will be to work with the permitting process of Chapter 13, ORAP, when it comes onboard to . . . hopefully, by July 1<sup>st</sup> of 2005. During this transition period we will slowly work her into working with Finance as far as how they did the inputting, issue the permits, and the rules and regs. So if by chance that the Environmental Assessment is done and/or hopefully, once the Environmental Assessment is done, we'll do our Administrative Rules. If by chance that we are able to come onboard earlier to issue permits, we'll be coming forth to this Committee about that. We're hoping our new girl in a few months will be able to get a handle on the process as far as issuing the permits and what Finance has done and I really thank the outstanding

**PARKS AND AGRICULTURE COMMITTEE MINUTES**  
Council of the County of Maui

June 17, 2004

---

job that Mr. Regan's staff, Lito and everybody involved, was that we now have a tracking system with the County to know which parks have permits so we know which people, the names of permittees, and also and this is on a report that I have in front of my hand, but we also have the ability to track permits by activities by park. And this is one of the systems that our girl is going to have to learn how to do through this transition period to continue on that so we're able to have a guidelines to enforce as far as the enforcement. And with everything, you know, with all the problems that we're gonna try and identify the enforcement is one of the first things that our department wants to do during this transition period because that has been the number one complaint.

CHAIR JOHNSON: Thank you. Are there any questions of Deputy Director Buck? One question, John, that I would have is that because the positions for the Park Police won't be filled for a little . . . I'm assuming, you know, for even on a part-time basis for maybe a couple months and we have been receiving a number of complaints about people not having permits, particularly with kayak industry, do you have any interim plan or would you just be asking people to call the police and check the permits?

MR. BUCK: No. We have a plan. I'll review it again. First of all, one of our jobs is for our Specialist . . . Special Event Specialist will be, besides coordinating special events throughout a process, will be the lead person in our department as far as anything concerning ORAP. We do have the funding for six months, two people. While we're looking at the possibility of maybe the six months maybe bring one in, maybe two months earlier and bring the other one two months later so we don't overspend that funding for the two positions. But we also have set aside some monies in the additional increase that we got to contract that services out up till the time we hire staff. We're in the process of trying to do a scope of work and we do have several people who are currently doing security work in our parks at night dealing with the homeless and a few other things. And a couple of the people that we're dealing with is on a purchase order basis right now do have enforcement backgrounds. So we're tapped into them right now as far as kind of come up with a scope of work on how to do this. We're going to have them also review the job descriptions we have come up for the enforcement officers.

So we're hopeful and I could . . . we won't be able to do it July 1<sup>st</sup>, but I don't want to give a date because I don't want everybody to be breaking the rules between now and whenever I give the official announcement that we have somebody on patrol but sometime after July 1<sup>st</sup>, we will begin enforcement. Even if it's myself and Special Events Specialist or Special Events Specialist and somebody who has been hired by the department to monitor the activities, well, we will begin one way or another to start monitoring. We must remember though the enforcement officer is to enforce the rules but as far as if any arrest or anything to be made, it's still gonna be . . . we're gonna still rely on the Maui Police Department because we never got as far as if these folks were gonna

**PARKS AND AGRICULTURE COMMITTEE MINUTES**  
Council of the County of Maui

June 17, 2004

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have citation powers. At some point they may but right now they're gonna go out. If you have a permit, you're fine. If you don't have a permit, you're gonna be asked to leave and if you don't leave, we will have the Maui Police Department inter . . . get involved and hopefully, that's as far as it goes. There are right now under 5.24 there's a couple statutes or fines that they must pay or the possibility of revocation of the permit. So it's in the current 5.24. So that's the means that we're going to be using.

CHAIR JOHNSON: Okay, thank you very much. Any additional questions? What I'd like to do at this point then is open up or at least allow those individuals who did sign up to testify. Currently, I have only one individual who has signed up to testify and that would be Mr. Martin Kirk. So, Martin, would you like to come forward at this time and testify?

MR. KIRK: Madam Chair, most of all my questions were answered by John.

CHAIR JOHNSON: Okay, so you're declining at this time? All right. Thank you very much. The Chair has one final question and that is when this transition period is going on between the time that they actually have a physical license in their hand, you know, to post, how will the Department of Finance be providing some kind of proof of at least application of the license so that somebody wouldn't get tagged in the interim during this 30-day period. Could you answer that, Mr. Regan?

MR. REGAN: Certainly, Madam Chair. When they come in before June 30<sup>th</sup> or by June 30<sup>th</sup>, we'll be issuing them a temporary permit, which will have the expiration date of one month.

CHAIR JOHNSON: Okay, great. Are there any further questions on the part of any other Committee Members? I'm really glad. I thank Mr. Kirk and Mr. Harlacher for attending today also. And it was my hope that at least by providing this forum and the information that it would answer both the questions on the part of the public, the Council Members, and particularly the vendors who are impacted by this. So with that being said, are there any further comments on part of the Administration? Seeing none. If there are no further comments, is there anything further on the part of staff? Nothing? All right.

**COUNCILMEMBERS VOICED NO OBJECTIONS.** (Excused: CMT)

**ACTION: DEFER pending further discussion.**

CHAIR JOHNSON: With that this informational briefing and meeting are adjourned . . .  
(gavel). . .

**PARKS AND AGRICULTURE COMMITTEE MINUTES**  
Council of the County of Maui

June 17, 2004

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**ADJOURN:** 2:24 p.m.

APPROVED:



JO ANNE A. JOHNSON, Chair  
Parks and Agriculture Committee

pa:min:040617

Transcribed by: Clarita L. Balala