

COUNCIL OF THE COUNTY OF MAUI

PARKS AND AGRICULTURE COMMITTEE

July 9, 2004

Committee

Report No. 04-105

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Parks and Agriculture Committee, having met on January 15, 2004, February 19, 2004, and June 3, 2004, makes reference to a Miscellaneous Communication dated July 21, 2003, from the County Clerk, referring a three-volume draft report for the County of Maui, Department of Parks and Recreation dated May 2003, entitled "Self Evaluation & Transition Plan"; "Facility Reports: Central, West, Molokai, Lanai"; and "Facility Reports: East, Hana, South" (Draft Report) to your Committee.

Your Committee notes that the Draft Report was initiated as part of a proposed settlement to a complaint that alleges that County parks and recreational facilities do not comply with Federal and State accessibility requirements under the Americans with Disabilities Act (ADA).

Your Committee further notes that the Draft Report describes the process used to evaluate the Department of Parks and Recreation's activities, provides policy and program recommendations, and presents a transition plan for the modification of facilities.

Your Committee further notes that it previously reported on this matter through Committee Report No. 03-129, which recommended that a bill entitled "A BILL FOR AN ORDINANCE TO CLARIFY AND IMPLEMENT THE COUNTY OF MAUI'S POLICY OF NONDISCRIMINATION ON THE BASIS OF DISABILITY WITH RESPECT TO RECREATIONAL AREA REGULATIONS AND THE WAIIEHU MUNICIPAL GOLF COURSE" be passed on first reading and be ordered to print. The purpose of the bill is to clarify and implement the County's policy of nondiscrimination on the basis of disability with respect to recreational area regulations and the Waiehu Municipal Golf Course. At its meeting of October 17, 2003, the Council adopted Committee Report No. 03-129 (Ordinance 3150, Bill No. 41 (2003)).

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At its meeting of January 15, 2004, your Committee met with the Deputy Director of Parks and Recreation; the Aquatics Division Chief, the Recreation Division Chief, the Planning and Development Division Chief, and the Acting Maintenance Superintendent, from the Department of Parks and Recreation; the ADA Coordinator, Department of Management; and a Deputy Corporation Counsel.

There was no public testimony.

The Deputy Corporation Counsel provided an update relating to the settlement agreement that was signed as a result of the complaint regarding the ADA. He stated that 24 facilities have been identified and prioritized for modifications that are essential to achieve Countywide programmatic accessibility.

The Draft Report prioritizes facilities based on program uniqueness, level of use by the public, geographic distribution, and tourism.

Your Committee deferred the matter pending further discussion.

At its meeting of February 19, 2004, your Committee met with the Director of Parks and Recreation; the Deputy Director of Parks and Recreation; the Special Events/Grants Coordinator, and the Special Events Coordinator, from the Department of Parks and Recreation; the ADA Coordinator, Department of Management; and two Deputy Corporation Counsel.

There was no public testimony.

The Deputy Corporation Counsel involved with the settlement of the complaint stated that the case was settled, and the settlement agreement was executed and accepted by the Court. The County has four years to make renovations to its 24 facilities after the County accepts the Final Plan.

Your Committee deferred the matter pending further discussion.

Your Committee is in receipt of a report entitled "Self Evaluation & Transition Plan", dated June 2004, for the Department of Parks and Recreation (Final Plan).

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By correspondence dated May 20, 2004, the Department of the Corporation Counsel transmitted a proposed resolution entitled "ADOPTING THE SELF EVALUATION AND TRANSITION PLAN OF THE DEPARTMENT OF PARKS AND RECREATION". The purpose of the proposed resolution is to adopt the document entitled "SELF EVALUATION & TRANSITION PLAN", dated June 2004, for the Department of Parks and Recreation.

By correspondence dated May 25, 2004, the Chair of your Committee transmitted a draft resolution to the Department of the Corporation Counsel entitled "ADOPTING THE AMERICANS WITH DISABILITIES ACT (ADA) SELF-EVALUATION AND TRANSITION PLAN FOR THE DEPARTMENT OF PARKS AND RECREATION" for review and approval as to form and legality. The draft resolution changes the title and references the ADA.

By correspondence dated May 25, 2004, the Department of the Corporation Counsel transmitted a proposed resolution entitled "ADOPTING THE AMERICANS WITH DISABILITIES ACT (ADA) SELF-EVALUATION AND TRANSITION PLAN FOR THE DEPARTMENT OF PARKS AND RECREATION", approved as to form and legality.

At its meeting on June 3, 2004, your Committee met with the Director of Parks and Recreation; the Deputy Director of Parks and Recreation; the Division Chief of Planning and Development from the Department of Parks and Recreation; the ADA Coordinator, Department of Management; two Deputy Corporation Counsel; Timothy A. Gilbert, Principal of Moore Iacofano Goltsman, Inc. (MIG); and Earl Matsukawa, Director of Planning of Wilson Okamoto Corporation, the consulting firm that prepared the Final Plan.

There was no public testimony.

Mr. Matsukawa and Mr. Gilbert presented a computer-generated slide show entitled "Department of Parks and Recreation Americans with Disabilities Act (ADA) Final Self Evaluation and Transition Plan". They described the self-evaluation and transition plan processes undertaken for the various County parks, community centers, and related facilities. They explained that the transition plan is considered a living document, which means that as changes to

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County programs are made, changes may also occur in accessibility requirements.

The Deputy Corporation Counsel informed your Committee that the Final Plan regarding the Parks and Recreation facilities would fulfill the requirement within the settlement agreement. The estimated cost for compliance for the 24 facilities is \$1.5 million.

Your Committee further learned that the Court monitor will determine whether the County is complying with the Settlement Agreement. The agreement requires semi-annual reports on the progress of improvements to the parks facilities.

Your Committee voted to recommend adoption of the proposed resolution and filing of the communication.

Your Parks and Agriculture Committee RECOMMENDS the following:

1. That Resolution No. _____, attached hereto, entitled "ADOPTING THE AMERICANS WITH DISABILITIES ACT (ADA) SELF-EVALUATION AND TRANSITION PLAN FOR THE DEPARTMENT OF PARKS AND RECREATION", be ADOPTED; and
2. That the Miscellaneous Communication be FILED.

Adoption of this report is respectfully requested.

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