

Pursuant to Chapter 91 and 92, Part I, Hawaii Revised Statutes, as amended, notice is hereby given of a public meeting/hearing of the

COMMISSION ON PERSONS WITH DISABILITIES

MEETING AGENDA

1:30 – 3:30 p.m.

Thursday, November 18, 2010

Hale Mahaolu Elima Community Room

11 Mahaolu Place, Kahului, HI 96793

I. QUORUM

II. CALL TO ORDER

III. APPROVAL OF MINUTES: October 14, 2010.

IV. PUBLIC TESTIMONY

V. NEW BUSINESS

A. Sunshine Law presentation by Deputy Corporation Counsel.

B. Commissioners to discuss program to acknowledge private businesses that maintain accessible establishments.

C. Assign commissioners to Ad Hoc Committee to attend planning meetings for the Disabilities Resource Fair, 4 – 5:30 p.m., Thu., Feb. 10, 2011 at the Velma McWayne Santos Community Center in Wailuku.

D. Commissioners to discuss Commissioner Liddell's suggestion regarding motorcycle parking and possibly compose a letter to shopping centers.

VI. UNFINISHED BUSINESS

A. Review, edit, approve draft letter requesting \$30 public transit pass for disabled riders.

B. Commission Attendance – Chair Valentine may refer commissioners with low meeting attendance to Director.

C. Review, edit, approve letter to store owners requesting them to monitor accessible parking stalls.

D. Review, edit, approve letter responding to Ramoda Anand's letter regarding elevator at a private Kihei medical office,

suggesting he write a letter to the physician and refer the physician to the ADA website:

<http://www.ada.gov/publicat.htm#Anchor-ADA-35326>

- E. Review, edit, approve letter to Mayor Tavares regarding Commissioners' concerns about lack of accessibility in Makawao and Paia and County's lack of ability to enforce ADA compliance.

VI. CORRESPONDENCE

VII. REPORTS

- A. Para-Transportation – Andrew Valentine
 - a. Update on legal challenge to County's award of paratransit contract to MEO
 - b. Two dollar all-day passes for all bus riders, including para transit

VIII. AGENDA SETTING

IX. ANNOUNCEMENTS

- A. Next meeting 1:30 p.m., Thu., Nov. 18, Hale Mahaolu Elima Community Rm., 11 Mahaolu St., Kahului, HI

XI. ADJOURNMENT

Agenda items are subject to cancellation pursuant to Sec. 92-5, Hawaii Revised Statutes, an executive session may be called in order for the board to consult with its attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities and liabilities. If you have special needs or require accommodation that would assist in your successful participation in the meeting (i.e., large print, taped materials, sign language interpreter, etc.), please call the Department of Housing and Human Concerns at 270-8203 at least five (5) working days before the scheduled meeting date.

COMMISSION ON PERSONS WITH DISABILITIES

MEETING MINUTES

1:30 – 3:30 p.m.

Thursday, October 14, 2010

Hale Mahaolu Elima Community Room

11 Mahaolu Place, Kahului

I. **PRESENT:** Joseph Crugnale, John Briley, Linda Liddell, Andrew Valentine, Karen Hue Sing, Feliciano Sales. **EXCUSED:** Charlotte Seales, Elsie Santos. **COUNTY:** Director Housing and Human Concerns Lori Tsuhako; Deputy Corporation Counsel Kim Sloper; ADA Coordinator DJ Schwind; CPD Staff Jan Roberson; Michelle Jones of Maui County Office on Aging; County Transportation Specialist Darren Konno. **GUESTS:** Harry Johnson of Roberts Hawaii; George Reiox of MEO; Bill Curtis of MEO; Charlotte Smith, past commission chair.

II. **CALL TO ORDER – The meeting was called to order at 1:35 p.m.**

III. **APPROVAL OF MINUTES:** July 9, 2010. Tracy Souza MOVED to approve the minutes without changes. Linda Liddell SECONDED. MOTION CARRIED.

IV. **PUBLIC TESTIMONY - NONE**

V. **NEW BUSINESS**

1. Commission's letter-writing procedures

- a. Director Tsuhako reviewed the letter writing procedures and clarified the reasons for the process. The process ensures the commission has voted to write a letter and approved its content. Director reviews to ensure that letters written on DHHC letterhead conform to county protocols. Letters will not

- be edited for content, but for tone, to ensure letters are respectful.
- b. Dep. Corp. Counsel Kim Sloper clarified that email drafts of letters can be distributed to members in advance of meetings so that members can come to the meeting prepared to offer suggestions for improvements, but they may not discuss the letter outside of a duly noticed meeting.
 - c. Ms. Sloper clarified that in cases where the Commission Chair receives written invitation to sit on a panel or address a committee of the County Council, he or she may represent their own views, but not the Commission's position unless it had previously been a topic on a duly noticed agenda and voted upon by the commission.
 - d. Director Tsuhako supported this and added that the safest thing is for Commissioners to identify themselves as a member of the Commission on Persons with Disabilities, but state that you are testifying, or presenting your views, as a private citizen.
 - e. ADA Coordinator Schwind added that new commissioners should attend a Sunshine Law course offered by the County, and ongoing commissioners should take the course as a periodic refresher.
2. Compose letter regarding \$30 public transit monthly pass for disabled riders.
 - a. Commission Chair Valentine will draft the letter.
 3. Movie theater access – Sheldon Rabanes –
 - a. tabled
 4. Commission Attendance Report – how to handle excessive absences
 - a. Commissioners reviewed the attendance report which showed the dates of commissioners' absences from January 2009 to present, including the percentage of

attendance. Some commissioners fell below 50 percent.

- b. Ms. Sloper said it's that commissioners are appointed by the mayor and confirmed by the county council. It's not as clear how to remove a commissioner. They can voluntarily resign if they are not able to carry forth their duties.
- c. Chair Valentine read from Chapter 07-701-14 the Rules of Practice and Procedure for the Commission on Persons with Disabilities, which states that

§07-701-14 Attendance. No member shall be absent from the service of the commission, unless the member is sick or otherwise unable to attend and has so advised the commission secretary at least twenty-four hours prior to the meeting. If a member has two unexcused absences, the chairperson shall, promptly after the second unexcused absence, issue a letter to the member requesting an explanation for the absences. If a member has three unexcused absences, the chairperson shall, promptly after the third unexcused absence, issue a letter to the mayor notifying the mayor of the absences and requesting review of the matter by the mayor. [Eff] (Auth: Charter §13-2(15); MCC §§2.32.020, 2.32.060) (Imp: HRS §91-2; MCC §2.32.040, 2.32.050)

- d. Chair Valentine noted that the rules do not define what constitutes an unexcused absence. HHC Staff Jan Roberson stated she considers an absence excused if the commissioner has informed the commission or the department that he or she would not be able to attend the meeting. Unexcused is when the commissioner fails to attend the meeting without notifying the commission or department.
- e. Director Tsuhako suggested she write the letters to commissioners with excessive absences at the recommendation of the chair. Her letter would inquire if the commissioners in question were able to continue to carry out their responsibilities as commissioners. If

absences continued to be an issue, then the commission could send a letter to inform the Mayor.

VI. CORRESPONDENCE

1. Review letter of reply dated 7/29/2010 from State Director of Transportation Brennon T. Morioka responding to the Commission's suggestions for Hawaii Drivers Manual.
 - a. Discussion about enforcement followed.
 - b. Dep. Corp. Counsel Sloper stated she had been a prosecutor when the volunteer enforcement program was in effect. Many cases were dismissed because the volunteers who had issued the parking citations could not take time off from work to sit through court lengthy proceedings.
 - c. Commissioner Hue Sing **MOVED** to send a letter to store owners requesting them to assist with monitoring accessible parking stalls. Commissioner Liddell **SECONDED**. **MOTION CARRIED**.
2. Review email correspondence dated 07/05/2010 from Ramoda Anand regarding small, ill-working elevator at a private Kihei medical office.
 - a. Discussion followed.
 - b. ADA Coordinator Schwind stated that businesses are supposed to make their establishments accessible, unless to do so would cause undue financial burden.
 - c. There is an ADA government website that the private business owners can be directed to that governs accessibility laws relating to commercial properties.
 - [http://www.ada.gov/medcare ta.htm](http://www.ada.gov/medcare_ta.htm)
 - <http://www.ada.gov/publicat.htm#Anchor-ADA-35326>
 - d. Director Tsuhako inquired if the Commission had considered asking Mr. Anand to send a letter to the physician himself.
 - e. Commissioner Crugnale stated there was a set of new buildings in Paia that had no accessibility. He complained and received a email response stating

that, "...we do not need to comply because the county does not enforce the ADA laws."

- f. ADA Coordinator Schwind stated that this is true. Plans approved by the county are stamped with a statement that reads: "all buildings must comply with ADA laws," but the county inspectors neither inspect nor enforce ADA accessibility. It's not part of the County Code. He stated the Department of Justice enforces these matters via the court system.
 - g. Commissioner Hue Sing suggested the commission send a letter to Mr. Anand inviting him to send a letter to the physician and perhaps take his business elsewhere.
 - h. Commissioner Crugnale so MOVED. Commissioner Souza SECONDED. MOTION CARRIED.
3. Invitation to attend the County Council Committee Meeting on Quality of Services Available to Physically Challenged Persons held Monday, September 27, 2010.
- a. Commission Chair Valentine and several commissioners attended this meeting.
 - b. Commission Chair Valentine stated that the council wants to know if the departments are providing the services that they are supposed to.
 - c. Commissioner Crugnale stated that the meetings are scheduled too early in the morning for physically challenged persons to attend.
 - d. Minutes to the meeting are attached (*to follow once they are posted to the county website*).

VII. REPORTS

- 1. County Council Committee Meeting on Quality of Services Available to Physically Challenged Persons on 9/27/10.
- 2. Awareness Fair Planning Ad Hoc Committee Report
 - a. Commissioner Liddell reported that due to canceled meetings, the fair had to be canceled. She stated that

Kathy Collins and Lana Queddeng had offered to plan their fair and assume all tasks.

- b. Commissioner Hue Sing stated that they could be invited to join the Commission's committee to plan the event.
 - c. Director Tsuhako asked Commissioners to look to the next agenda item and consider partnering with the Mary Matsukawa and the State Council on Developmental Disabilities to conduct a fair Disabilities Resource Fair in February 2011.
 - d. Commission Chair Valentine stated the Commission's fair was to highlight County Services. The State Council's fair was for people with intellectual disabilities.
 - e. ADA Coordinator Schwind clarified that both disability resource fairs offered information on disabilities of all types available within Maui County.
 - f. Director Tsuhako clarified that the Department policy is to collaborate with community partners whenever possible.
3. State Council on Developmental Disabilities
- a. Commission on Persons with Disabilities invited to attend, have information table at Disabilities Resource Fair, 4 – 5:30 p.m., Thu., Feb. 10, 2011 at the Velma McWayne Santos Community Center in Wailuku.
 - b. Commissioner Hue Sing suggested that the Commission send a delegate to the Disability Resource Fair planning committee as it had in years past.
 - c. Commissioner Briley MOVED that the Commission communicate with Mary Matsukawa a request to join forces on the Disability Resource Fair and send a delegate to attend the planning meetings. Commissioner Crugnale SECONDED. MOTION CARRIED.
 - d. Jan Roberson will send an email to this effect to Mary Matsukawa and inform the commissioners of the next planning meeting.
4. Disaster Action Plan Ad Hoc Committee Report

- a. Commissioner Briley stated that there is a plan in place that identifies disabled and elderly who do not have family to help them in event of an emergency.
 - b. Commission Chair Valentine stated that FEMA has guidelines in place. He suggested the commission request Civil Defense to attend a future meeting to go over its plans for disabled during emergencies.
5. Makawao Town Accessibility – Joseph Crugnale
- a. Commissioner Crugnale stated that plans to upgrade Makawao sidewalks have been dropped due to lack of funding.
 - b. Commissioner Hue Sing stated that work is being done to upgrade the parking lot at the Makawao State Library.
 - c. Commissioner Valentine stated Commission should send a letter to the County Council to inform them that accessibility issues in Makawao and Paia are issues that need to be addressed.
 - d. Commissioner Liddell suggested the Commission issue certificates to private businesses who maintain accessible establishments.
6. Para-Transportation – Andrew Valentine
- a. DOT Specialist Darren Konno stated that there is a legal challenge to the contract to award paratransit services to MEO, with services to begin November 1, 2010.
 - b. Mr. Konno stated that DOT will send a letter to all clients to update and inform them of pending changes.
 - c. Bill Curtis of MEO stated that a big concern for MEO is that it needs a client list two weeks ahead of the transfer of services from Roberts to MEO.
 - d. Mr. Konno announced that
 - i. DOT received three new full sized buses in July with two wheel chair ramps each courtesy of American Recovery and Reinvestment Act.
 - ii. County improvement plans for Queen Kaahumanu Center bus hub include improvements to sidewalks and 5 clusters of bus shelters.

- e. Commissioner Valentine inquired about county plans for bus stops throughout Maui County. Mr. Konno stated that the county will add bus shelters to 2-3 bus stops in the county each year, with priority given to bus stops with 20 or more passengers per day. Stops with 15 or less passengers daily will have a bench.
 - f. Mr. Konno also stated that the mayor has proposed to issue \$2 all day passes for all bus riders, including para transit riders.
7. Report on the 4th Annual Maui County Hurricane Expo held Aug. 14 at Queen Kaahumanu Center
- a. Commissioner Valentine attended the well-attended expo, noting vendors included the Red Cross and County Civil Defense. Information included hurricane preparedness and the need for an evacuation plan.

VIII. AGENDA SETTING

- 1. Accessibility issues in Paia, Makawao
 - a. Review letter to County letting it know that the Commission considers accessibility in Paia and Makawao an issue.
- 2. Letters to members with low attendance
- 3. Disability Resource Fair Update
 - a. Assign commissioners to attend state planning meetings
- 4. Review draft of letter requesting \$30 public transit monthly pass for disabled riders
- 5. Sunshine law refresher course schedule
- 6. Compose letter to store owners requesting them to monitor accessible parking.
- 7. Review letter to Mr. Anand requesting him to write a letter to his physician regarding elevator in Kihei medical offices.

IX. ANNOUNCEMENTS

- A. Next meeting 1:30 p.m., Thu., Nov. 18, Hale Mahaolu Elima Community Rm., 11 Mahaolu St., Kahului, HI

XI. ADJOURNMENT – the meeting adjourned at 3:30 p.m.

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