

COMMISSION ON PERSONS WITH DISABILITIES

MEETING MINUTES

Thursday, June 16, 2011
Hale Mahaolu Elima Community Room
11 Mahaolu St., Kahului, HI 96732

I. QUORUM

- a. **COMMISSIONERS PRESENT:** Ramoda Anand, Joseph Crugnale, Karen Hue Sing, Linda Liddell, Yolanda Mau
- b. **COMMISSIONERS EXCUSED:** Feliciana Sales, Charlotte Smith, Cesar Gaxiola

II. CALL TO ORDER

- a. With quorum established, Chair Crugnale called the meeting to order at 1:40 p.m.

III. APPROVAL OF MINUTES: May 12, 2011

- a. Commissioner Mau MOVED to APPROVE the MINUTES. Commissioner Liddell SECONDED. MOTION CARRIED

IV. PUBLIC TESTIMONY

- a. Andrew Valentine testified that he met with Chief of Staff Herman Andaya to share his frustrations about having the mayor's assurance that the commission would have the freedom to do what it was designed to do.

V. NEW BUSINESS

- a. Discussion of possible Charter Amendments pertaining to the Commission on Persons with Disabilities.
 - i. In a letter dated May 10, 2011, the Maui County Charter Commission solicited input from all boards and commissions for suggestions for amendments to the Maui County Charter.
 - ii. Dep. Corporation Counsel stated that the Commission on Persons with Disabilities is not mentioned in the charter, as it was created by Maui County Code.
 - iii. He stated that adding the Commission on Persons with Disabilities to the Maui County Charter is difficult (limited to once every 10 years during the charter review, or requiring the a referendum on an election ballot. He stated adding the CPD

to the charter is not necessary. Changes to the Maui County Code can be done at any time by action of the Maui County Council.

- iv. Commissioner Hue Sing asked if the Commission on Persons with Disabilities was recognized and equal to all other boards and commissions.
- v. Commissioner Anand asked if he was correct that the charter is the “Constitution,” for the County of Maui? And that if the Commission on Persons with Disabilities was added to the Charter, would the Commission increase its power?
- vi. Deputy Corporation Counsel Murai stated that commissions have equal power and authority whether they are created by charter or code. He stated that the Maui County Charter and the Maui County Code both provide authority and power.
- vii. Commissioner Anand stated he prefers to leave it as it is.
- viii. Commissioner Hue Sing agreed.
- ix. Chair Crugnale asked the commissioners if they preferred to refrain from responding to the Charter Commission. The commissioners agreed.
- x. The matter was tabled.

VI. CORRESPONDENCE

- a. Letter recommending the Mayor direct the DOT to form an advisory group to address transportation issues and establish a transportation complaint hotline. The letter was dated March 24 was sent to the Mayor, with copies to Director of Housing and Human Concerns JoAnn Ridao and Director of Transportation JoAnne Johnson Winer. It was brought up that the letter date should have been May 24. Staff Roberson apologized for the typo. The Commission has not received a response to the letter.
- b. Resignation of Molokai Commissioner Charlotte Seales.
 - i. The commissioners discussed sending a letter thanking Commissioner Seales for her years of service. Commissioner Hue Sing agreed to draft the letter.

VII. REPORTS

- a. Makawao Accessibility - DJ Schwind
 - i. ADA Coordinator Denny Schwind met with Commissioner Ramoda and Raje Anand and produced some color photos to highlight accessibility issues in Makawao.

- ii. Mr. Schwind stated that the county will take care of two issues in the vicinity of the municipal parking lot
 - 1. Install a parking stop to prevent cars from pulling too far forward so they block the sidewalk. County Department of Public Works will send the parking stop improvement out for bid
 - 2. Back fill a drop off by the narrow sidewalk to address a safety issue. County Department of Public Works will back fill and replant the drop off.
- iii. Commissioner Anand stated there are other areas that could use improvements, one by the rodeo grounds
- iv. Mr. Schwind also distributed photos of inaccessible sidewalks fronting Baldwin Avenue business establishments
 - 1. When Americans with Disabilities Act was passed, it mandated that barriers to accessibility be removed where it does not create undue hardship.
 - 2. Some businesses attempted to put in ramps but they are very narrow and steep.
 - 3. County cannot force property owners to comply with the ADA laws on private property.
 - 4. Mr. Schwind stated the Commissioners could send a friendly letter to the property owners or land management companies asking them to make their establishments more accessible to persons with disabilities. Property owners' addresses are listed on the county website. Commissioner Anand stated he had already pursued that remedy.
 - 5. Mr. Schwind said that the County and State do not have the authority, but the Department of Justice does have authority to enforce.
 - 6. Raje Anand said it was her understanding that management companies and property owners have said they will charge tenants higher rents if they make the improvements. In some cases, property owners are for renovations, but the lease holders are not.
 - 7. At issue is how to make improvements and retain the charm of a cowboy town.
 - 8. Department of Justice has a standard complaint form on its website.
 - 9. The matter was deferred to the July meeting.

- v. Mr. Schwind also reported that an illegal sign was removed at One Main Plaza that the management company had placed on the accessible stall that read “This space reserved for those in wheel chairs only.”
 - vi. Two other signs posted at One Main Plaza entrances state “No Animals or Pets Allowed.” He checked with the Disability and Communication Access Board (DCAB) and found that the sign can remain as long as all tenants allow service dogs.
- b. Skaff Lawsuit Update – Corporation Counsel
- i. Deputy Corporation Counsel Murai gave a brief history of the lawsuit. He stated it was settled in 2003. A Mr. Skaff and others had visited Maui and filed a lawsuit with the Department of Justice wherein the Court ordered improvements to Maui County Parks to make them comply with the ADA accessibility law. The court appointed Paul Sheriff to report to the court periodically on the repairs. The Court Master has been discharged. The county hired a firm that deals with compliance issues to compile and maintain a list of repairs and hold hearings.
 - ii. The repairs included fixing broken pathways, cook stations, benches, drinking fountains, at the county’s most heavily used parks.
 - iii. Mr. Murai referred to a list of mandated repairs that showed the progress on each.
 - iv. Mr. Murai directed the commissioners to the Department of Parks and Recreation for further progress on the improvements
 - v. ADA Coordinator Schwind recommended the Commissioners invite Parks and Recreation Project Manager Robert Halvorson to give an update at a future meeting. He had been invited previously but never responded or attended any CPD meetings.
 - vi. The Department of the Corporation Counsel has closed its file on the Skaff lawsuit.

- vii. Twenty percent of the funds expended to make improvements as ordered by the lawsuit were to be applied to improving access.

- c. Mr. Murai also gave a brief overview of another lawsuit, Project Civic Access which was a consent decree that stemmed from former Attorney General Janet Reno who encountered accessibility issues on a visit to Ohio. She ordered the Department of Justice to send accessibility teams to look at government facilities in every US city and these teams compiled lists of items to be repaired with costs and timetables. A team was sent to Kauai and to Maui. Kauai just finished its repairs five years late and Maui is a year behind but set to finish its mandated repairs in September. The team on Maui did not include parks facilities due to the Skaff lawsuit.

- d. Commissioner Hue Sing requested that the Commission invite Robert Halvorson to give a presentation at an upcoming meeting. Chair Crugnale said he would do some research before making the invitation.

- e. Kevin Souza reported that ramps and accessible stalls have been installed at the Eddie Tam Complex in Makawao.

- f. Commissioner Liddell reported that a pool ramp had been installed at the pool on Molokai. The restrooms are under lock and key due to vandalism.

- g. Para-Transportation - County Department of Transportation
 - i. DOT Program Specialist Darren Konno stated that he had no report on para-transportation but that he had announcements to make under the announcements portion of the agenda.

- h. State Developmental Disability Council – Mary Matsukawa

- i. No Report. Mary Matsukawa was unable to attend today's commission meeting as she had a Medicaid Waiver program meeting.

VIII. AGENDA SETTING

- a. Disaster and Emergency Planning presentation
- b. Letter to Charlotte Seales thanking her for her years of service

- c. Makawao Town accessibility updates

IX. ANNOUNCEMENTS

- a. Next meeting is set for 1:30 p.m., Thursday, July 14, 2011 at Hale Mahaolu Elima Community Room at 11 Mahaolu St., Kahului, HI
- b. County Emergency Management Officer Anna Foust and State Department of Health Planner Marc Nishimoto present on Project Civil Access – disaster preparedness for Persons with Disabilities at CPD July 14 meeting.
- c. DOT Transportation Specialist Darren Konno reports that the public is invited to provide email or in person testimony on the State’s Transportation Needs Assessment. The State DOT is especially interested in hearing from senior citizens, persons with disabilities, those on fixed or limited incomes, caregivers of persons unable to drive, individuals and agencies providing human services or public transportation. The public meeting is set for 10 a.m. on June 29 at the Elleair Rainbow Room at the Maui Beach Hotel.
- d. Mr. Konno also distributed posters that are planned to be posted in public buses during Disabilities Awareness Month in October. The posters include uplifting messages about persons with diverse disabilities that lists abilities and accomplishments. Produced by the MAC-D, the City and County of Honolulu Mayor’s Advisory Committee on Disabilities. The purpose of the posters is to promote awareness of the abilities of persons with disabilities.
- e. Faith Action for Community Equity (FACE) will conduct a public meeting from 6:30 to 8 p.m., Monday, June 27 at St. Anthony Catholic Church in Wailuku for those who wish to be considered for an affordable home when FACE advocates for new developments.
- f. Staff Roberson distributed a flyer on “Paws to Prepare,” the first disaster preparedness event for people and their pets to take place from 12 to 4 p.m., Saturday, June 18 at Maui Humane Society.
- g. First Responders Hurricane Preparedness Exercise – 9 a.m. - 4 p.m., Saturday, June 25 at Maui High School. Volunteers welcome.

X. ADJOURNMENT

- a. Commissioner Hue Sing MOVED to adjourn at 3:15 p.m. Commissioner Anand SECONDED. MOTION CARRIED.