

**ECONOMIC DEVELOPMENT, AGRICULTURE,  
AND RECREATION COMMITTEE**

Council of the County of Maui

**MINUTES**

**October 4, 2012**

**Council Chamber, 8<sup>th</sup> Floor**

**CONVENE:** 9:09 a.m.

**PRESENT:** Councilmember Mike White, Chair  
Councilmember Elle Cochran, Vice-Chair  
Councilmember Gladys C. Baisa, Member  
Councilmember Robert Carroll, Member  
Councilmember Donald G. Couch, Jr., Member  
Councilmember Joseph Pontanilla Member

**EXCUSED:** Councilmember G. Riki Hokama, Member

**STAFF:** Josiah Nishita, Legislative Analyst  
Camille Sakamoto, Committee Secretary

**ADMIN.:** Patrick T. Matsui, Deputy Director, Department of Parks and Recreation  
Lisa Almeida, Special Events Specialist, Department of Parks and Recreation  
David Ross, Parks Security Officer, Department of Parks and Recreation  
Sananda K. Baz, Budget Director, Office of the Mayor  
Jeffrey T. Ueoka, Deputy Corporation Counsel, Department of the Corporation  
Counsel

*Seated in the gallery:*

Jock M. Yamaguchi, Executive Assistant, Office of the Mayor

**OTHERS:** Two (2) additional unidentified attendees

**PRESS:** *Akaku: Maui Community Television, Inc.*

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CHAIR WHITE: ...*(gavel)*... Good morning, Members. Thank you for coming. This is the October 4<sup>th</sup> meeting of the Economic Development, Agriculture, and Recreation Committee and it's now a little after 9:00. And before we begin, I'd like to remind all of us, including myself, to turn off cell phones and other noise-making devices. This morning we have Elle Cochran, our Committee Vice-Chair with us.

VICE-CHAIR COCHRAN: Good morning, Chair.

CHAIR WHITE: Gladys Baisa.

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COUNCILMEMBER BAISA: Good morning, Chair.

CHAIR WHITE: Robert Carroll.

COUNCILMEMBER CARROLL: Good morning.

CHAIR WHITE: Good morning. Don Couch.

COUNCILMEMBER COUCH: Good morning, Chair.

CHAIR WHITE: And Joe Pontanilla.

COUNCILMEMBER PONTANILLA: Good morning.

CHAIR WHITE: And excused this morning is Member Riki Hokama. And this morning we have from Department of Parks and Recreation, Pat Matsui, Deputy Director; and from Budget, we have Mr. Sandy Baz, the Budget Director; and from our Deputy Corp. Counsel, Jeffrey Ueoka; and we have Lisa Almeida with us and David Ross. Welcome to you all.

COUNCILMEMBER COUCH: Huh, who?

VICE-CHAIR COCHRAN: David *Ross*.

CHAIR WHITE: David *Ross*.

VICE-CHAIR COCHRAN: Not Raatz.

COUNCILMEMBER BAISA: R, O, S, S.

CHAIR WHITE: R-O-S-S, not R-A-T-Z [*sic*]

COUNCIL MEMBERS: . . .(*laughter*). . .

CHAIR WHITE: --the "David" that you're familiar with. And this morning we have Committee Secretary Camille Sakamoto and Legislative Analyst Josiah Nishita. And we have no one signed up for public testimony and I only see one individual in the gallery. Would you like to testify?

COUNCILMEMBER COUCH: He's a reporter.

CHAIR WHITE: Okay.

COUNCIL MEMBERS: . . .(*laughter*). . .

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CHAIR WHITE: So with that, Members, without objection, we'll proceed without public testimony since there isn't any.

COUNCIL MEMBERS: No objections.

CHAIR WHITE: Okay. This morning we have three items on the agenda and the first item relates to the authorization of park security officers to issue parking citations and to prohibit unauthorized commercial activity in the parks and also to enforce the liquor prohibitions that we have established over the last couple of months in various parks. The second and third items relate to the proposed creation of a Parks and Permit Enforcement Program and...within the Parks Department, and outsourcing of the PALS program, respectively. These matters were referred to our Committee during the Budget and Finance Committee's review of the Fiscal Year 2013 Budget.

**ITEM EDR-2: AUTHORIZING PARKS SECURITY OFFICERS TO ISSUE PARKING CITATIONS AND PROHIBITING UNAUTHORIZED COMMERCIAL ACTIVITY IN PARKS (CC 10-270)**

CHAIR WHITE: And without objection, I'd like to move EDR-2 to the end of the calendar.

VICE-CHAIR COCHRAN: No objections.

CHAIR WHITE: Any objections?

COUNCIL MEMBERS: No objections.

VICE-CHAIR COCHRAN: No objections.

CHAIR WHITE: Okay. And, Members so the first two items will be EDR-33, Creation of Parks and Permit Enforcement Program in the Department of Parks and Recreation; and EDR-34, Proposed Outsourcing of the Department of Parks and Recreation Play and Learn Sessions or PALS Program. And as you will recall, the Administration had come to us in the Budget with a recommendation of combining various positions in various areas of the Parks Department into one for permit enforcement, and so it's been referred to Committee for, for the opportunity for the Administration to present whether they are interested in moving forward with that or not; and the same thing for the PALS program. So, this is our opportunity to ask the Administration to give us their thoughts on whether these are items that they can...they would like to continue to pursue and if so, I'm sure they'll be getting back to us well before the Budget--but this is our, our time to discuss it.

**ITEM EDR-33: CREATION OF PARKS AND PERMIT ENFORCEMENT PROGRAM IN THE DEPARTMENT OF PARKS AND RECREATION (MISC)**

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CHAIR WHITE: So with that we'll start with EDR-3 [*sic*], the Permit Enforcement Program. So, Mr. Baz, would you like to start with that?

MR. BAZ: Sure. Thank you, Mr. Chair and thank you for bringing this item up as a referral from the Budget and Finance Committee. As you know, during the budget session deliberations this item was discussed but was felt that it should be discussed further. The items that we proposed were to remove positions from various programs of the Recreation and Support Services, Parks and Permit Program and combine them into a new program that was related to...so Park Permits and Enforcement were going to be combined into one separate program...one single program. During the Budget deliberations and in...as proposed with the initial Exhibit "1" during deliberations of the, of the Budget and Finance Committee, you guys remember, you know, Exhibit "1" was the "bible" that we used to go back and forth. The...what happened was rather than creating a separate Parks and Permit Enforcement Program, the program in its entirety was moved into the Administration Program of the Department. So they have been able to start moving as they proposed in that it is a now combined operation, so they have started creating the Table of Organizational Chart and filling out all the manpower forms and, and processing the, the changes needed to happened administratively so that this Park Permit and Enforcement, it's now going to be a Division of the Administration Program. And we can discuss it with the Parks Department here, but they're, from my understanding, comfortable in leaving it as is, as it was passed out by the Council. And basically what happened, so in case 'cause this question's going to come up, is that the Clerks from the different—what do you call those?—districts were all taken from those separate programs and put into one program, but rather than putting each position back to the program where it came from, the whole section was moved to the Administration Program. It's hard to follow. We had to do a lot of research in trying to figure out where it was. Also, while all the money was originally moved back, \$652,637, there was two deletions. One was the expansion request for a Secretary and so that was deleted, but then also there was a \$52,637 deletion which just looks like it rounds the original \$652,637 to \$600,000. So we tried to...reconcile the reduction and we couldn't. There's about \$41,000 that we couldn't reconcile in that reduction, so the Department is going to be \$41,000 short from...in their Administration Program from their current operations. But that's a factor that we'll deal with in Budget. So that was kind of a long explanation and I probably confused a bunch of people in here so maybe we can ask questions and see if we can move forward with it.

CHAIR WHITE: Okay. Mr. Matsui, anything to add?

MR. MATSUI: I think he did a good job in explaining the Budget process . . . (*laughter*) . . .

CHAIR WHITE: Okay. Thank you. Members, any questions?

COUNCILMEMBER PONTANILLA: Chair?

CHAIR WHITE: Mr. Pontanilla?

COUNCILMEMBER PONTANILLA: Yeah. Thank you, Sandy for that really confusing comment.

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COUNCIL MEMBERS: . . .(laughter). . .

COUNCILMEMBER PONTANILLA: I was hoping that I would look at--if any creation for any department in regards to adding a division of some kind--that somehow a organizational chart be presented to us so that we can clearly see what you're attempting to do. You know, when you say that you're going to take personnel from certain areas to create a, I guess, another section, I'd surely like to see that kind stuff. And then, as far as the Budget process then, yeah, we all know that we put back the money into where it's supposed to be, in Administration. So my focus is that organizational chart, how it's going to end up--if ever it's going to be, you know, a division like this will be created.

MR. BAZ: Okay. Thank you, Mr. Chair.

COUNCILMEMBER PONTANILLA: And then the pros and cons in regards to why the move and such. And when I look at EDR-33, I kind of put it hand in hand with EDR-2 because you do have enforcement that are done by, you know, the folks, the parks security people. So how do they play in regards to a Division that's going to be created that will do enforcement? Although it says "permit enforcements", but who enforce the permits? The park rangers, yeah?

MS. ALMEIDA: If I may, I can address that question.

COUNCILMEMBER PONTANILLA: Sure.

MS. ALMEIDA: The intent of creating the Division was to kind of consolidate operations that already exist within the Parks Department so that you would have one area that both *creates* the permits for use of our facilities and then also you have the other section that can now monitor the enforcement of permits or in some cases, lack of a permit.

COUNCILMEMBER PONTANILLA: Uh-huh.

MS. ALMEIDA: And so the positions are dispersed throughout the Department now. The idea was that by consolidating them we could have a clearer picture, big picture of our calendar use and just kind of coordinating the efforts between what is permitted and what isn't, daily, in our different districts.

COUNCILMEMBER PONTANILLA: See, those are the kind stuff that we should be looking at, you know, whenever something that needs to be created. I don't know if we kind of trying to manage, but for me, you know, information like that is very helpful--something that you can see, black and white.

MS. ALMEIDA: We...

COUNCILMEMBER PONTANILLA: Thank you, Chair.

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MS. ALMEIDA: Okay.

CHAIR WHITE: Mr. Couch, did you have a question?

COUNCILMEMBER COUCH: Yes. Thank you, Mr. Chair. So, Mr. Baz, you said the Administration is okay with the way it is now or would you rather it go to the, to the new, your new, your new way?

MR. BAZ: Mr. Chair, functionally it's the same thing but just rather than having a separate program, you know, it's a program based budget so rather than having a separate program where those funds are allocated, you know and set aside for that specific program, that program the functionality of what would be a separate program is in the Administration Program. So they can function...other than the idea, the two things that I mentioned--which is the Secretary didn't...the expansion position didn't get approved and the arbitrary, you know, \$41,000 that the program lost, other than those two financial impacts they can operate how they were proposed anyway.

COUNCILMEMBER COUCH: Okay. So sounds like it...unless you need the money, it's --

MR. BAZ: Yeah. So, well, that's a, like I said, that's a separate issue --

COUNCILMEMBER COUCH: --for...*(inaudible)*...right.

MR. BAZ: --that we'll discuss probably in Budget, you know, should the need arise to submit a budget amendment. But I...yeah, so at this point, you know, we're comfortable leaving it as is, so there's no action further needed at the Council level.

COUNCILMEMBER COUCH: Okay. If, if we all said, yeah, that sounds like a good idea, would you go forward with it or are you going to leave it as is regardless?

MR. BAZ: Okay. We'd go forward with it.

COUNCILMEMBER COUCH: So in other words that would be the preference, is to go forward?

MR. BAZ: Yeah, if...yeah, if the Council, you know, sees that you'd want it to be a separate program...

COUNCILMEMBER COUCH: Well, I guess, organizationally, would it be better for it to be separate like that...whoever reports to, as Mr. Pontanilla says?

MS. ALMEIDA: It would be easier to *manage* with the original intent behind creating the division, but I think right now the position is that either way they are reporting directly to the Administration--whether they're a section within the Administration Program or a new program under the Administration.

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COUNCILMEMBER COUCH: Okay. Thank you.

CHAIR WHITE: Ms. Cochran?

VICE-CHAIR COCHRAN: Thank you, Chair. And, yeah, a flowchart would be wonderful and knowing exactly the positions, the responsibilities, who, you know, what are the credentials and qualifications for such people, you know. And it was confusing me because reading the, the Budget Committee referral thing, it says creation of a “program”, and now you’re saying *division*. So “program” and “division” to me are two different things. So we’re, I guess, creating a separate Division now, like an enforcement division *within* Parks and Rec?

MR. BAZ: Mr. Chair, the definition of a “program” is a more of a budget functional definition that separates out in a program-based budget, the budget for that program is specifically designated and are appropriated for that program. There are multiple programs like, I’ll give you an example, Human Concerns Program. In Department of Housing and Human Concerns, the Human Concerns Program makes up the Office of Aging, Early Childhood, Grants Management Division, you know, all these separate Divisions are part of that one program. So what’s happening with the Parks Administration Program is that functionally budget-wise, appropriation-wise it’s one program, the Administration Program’s one program but they’ll have a Division of Park Enforcement and Permits.

VICE-CHAIR COCHRAN: Okay. Thank you. And Chair, a follow-up?

CHAIR WHITE: Sure.

VICE-CHAIR COCHRAN: And so basically these responsibilities or jobs are already being done obviously, but you’re trying to sort of consolidate them within a sort of area to be, I guess, more efficient and just sort of more streamlined in a sense. So this, there’ll be a person in charge, you know, a Division Head or whatever you’re going to call it?

MR. BAZ: Yeah. The proposal was to reallocate a position, the Grants Coordinator position, PR-0245, to that Division Chief, if you want to call it. That won’t be their title but you know...

VICE-CHAIR COCHRAN: *Grants* Coordinator? And so this particular person would have enforcement *knowledge* and enforcement *background*? Wouldn’t that be kind of important?

MR. BAZ: Yes. That would be very important.

COUNCILMEMBER COCHRAN: Then--

MR. BAZ: And that, that person, well, the person would be an administrator of the, of Division. Currently, Mr. Ross over here is the working supervisor of the enforcement section of that.

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VICE-CHAIR COCHRAN: Okay, but again, so are we going to have it as a qualification in order to have this position...as law enforcement experience? Has that been in the plan?

MS. ALMEIDA: So just to take a quick step back--hopefully this will help. Prior to the creation of the enforcement section, the Park Security Officers, we call them park rangers, Code enforcement was already handled by the Department, just from a simpler level of like reading the Code and saying this use is allowed at this park --

VICE-CHAIR COCHRAN: Right.

MS. ALMEIDA: --or this use is not allowed at this park. So the person...that Grants Coordinator also handles special events and enforcement and has *that* background as far as interpreting, reading Title 13 and interpreting what is allowable uses in County parks, properties, and facilities. So the law enforcement side, all of the park rangers have some type of law enforcement background for the *technical* part of, say, writing the citations--and we'll get into that in EDR-2. But that part is inherent to the position of park rangers, they have that experience, yes.

VICE-CHAIR COCHRAN: I know but that doesn't really address my, my idea that the person overseeing all of this now--and we are sort of vacillating back and forth to EDR-2. You know, I just really believe...and again, my other *big* question is I asked to have Maui Police Department here to get their comments and what type of dialog and communication has been going on with that section...I'd like to know. So, obviously, they're not here to answer, but perhaps on your behalf you can answer what...(inaudible)...

MS. ALMEIDA: Regarding specifically the enforcement portion?

VICE-CHAIR COCHRAN: Yeah. This whole movement, this whole trying to put this into play and how is that going to work alongside with MPD, you know, do we need to know what their SOPs are? Are they going to help with training? I don't know. Just curious about those things.

MS. ALMEIDA: Well, the Park Enforcement Program, they have all gone through MPD training; that was part of when they first came on board and then they go through continued training. And we've kind of distinguished--and I can elaborate more when we come to that item--but they've distinguished that we will take on the roles and responsibilities within the facilities that we manage all the way up to, say, the line is typically disorderly conduct. So if there's an area that is dangerous--because the rangers are not armed, they're not considered law enforcement personnel, they're more considered Code enforcement personnel, similar to like Zoning enforcement. So they will handle Code enforcement violations and when it comes to the line of disorderly conduct, dangerous public disturbance, things of those nature, then they call into dispatch and they ask for backup.

VICE-CHAIR COCHRAN: Okay. So at this point we're trying to create it so park rangers have a little bit more power in order to write actual citations to --

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MS. ALMEIDA: In EDR-2, yes.

VICE-CHAIR COCHRAN: --fine people?

MS. ALMEIDA: In EDR-2.

VICE-CHAIR COCHRAN: Which will fall under this new division program and all...*(inaudible)*...

MS. ALMEIDA: Right. So we would have our enforcement arm and then we would have the arm that creates the permits for people as well --

VICE-CHAIR COCHRAN: Uh-huh.

MS. ALMEIDA: --functioning together.

VICE-CHAIR COCHRAN: Okay. Thank you, Chair.

CHAIR WHITE: Uh-huh. Ms. Baisa, did you have question?

COUNCILMEMBER BAISA: Lot of the stuff that I wanted to ask has already been asked. And of course in regards to the PALS program, you know, when we brought this up during Budget, it was interesting the knee-jerk reaction from the community. I've never had so many calls in a short period of time from --

CHAIR WHITE: Could you, could you...

COUNCILMEMBER BAISA: --friends, and family, and parents.

CHAIR WHITE: We're on the other item still.

COUNCILMEMBER BAISA: Okay. I'm sorry, you haven't gotten there.

CHAIR WHITE: Yeah.

COUNCILMEMBER BAISA: I got lost.

CHAIR WHITE: No problem, no problem. We all get...

COUNCILMEMBER BAISA: We seem to have kind of messed around with all of it. I'm not really sure where we are at this point, but when it comes to this enforcement thing, I understand clearly what Ms. Almeida has explained and I see there's that line where you'd want civilian-type people handling things and in a...where the line comes where it might be dangerous or some criminal activity or whatever you would want MPD there. And I agree with Member Cochran, I would feel a lot more comfortable if we were able to have the Police Department here to kind of,

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you know, clear things up for us so we make sure everybody's clear as to exactly what we're doing. So Chair, I would want to have them here before we make a decision, please.

CHAIR WHITE: On, on EDR-2, I think that's important. They will be here for EDR-2 so.

COUNCILMEMBER BAISA: Yes.

UNIDENTIFIED SPEAKER: ...*(Inaudible)*...

COUNCILMEMBER BAISA: Well, I don't know, they're all mixed up so whatever. There's three things here that we keep going back and forth about. I'm not sure how we separated them, but I would like to have the police here if we're going to do any action in regards to authorizing these folks to do citations. Thank you.

CHAIR WHITE: Yeah. Thank you. Okay. Question for the Administration. When you speak about the program budget, just to be clear to the public and other Members, what was passed through the Budget left all the various district people in the district budgets, correct?

MR. BAZ: Mr. Chair, no, that's not correct. What we proposed was taking the district people out of the districts and putting them into a single program. What came out of the Budget and Finance Committee, which eventually was approved by Council, was taking that program as a whole and putting it into the Administration Program. So it wasn't a direct, you know, putting the pieces back to where to they came from type of a decision.

CHAIR WHITE: Okay. Is that your understanding, Mr. Pontanilla?

COUNCILMEMBER PONTANILLA: I need to refer back to the minutes that was created for the Budget in regards to this move here, unless Mr. Baz has it.

MR. BAZ: Mr. Chair, I have the Exhibit "1" from the Budget and Finance Committee which has the actions that you can see here on Page 17, where it takes that whole \$652,637 that was its own program, deletes the program, and moves it to the Administration Program so that's clearly on this. If, maybe if Staff wants to make a copy of it and pass it out to the Committee?

CHAIR WHITE: Okay. Okay.

MR. BAZ: Would you like that?

CHAIR WHITE: Can we make copies? Okay. So at this point you have...the Administration and the Department have no, no interest in any further changes in the upcoming Budget process?

MR. BAZ: Mr. Chair, during Fiscal Year '13 we don't propose any changes to the program itself. We'll leave it as is and I'll reserve the right to if, in Fiscal Year '14, we decide to separate it out

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and propose it again as a separate *program* versus in the Administration Program...that might be a possibility.

CHAIR WHITE: Okay. Well, the purpose of *this* process --

COUNCILMEMBER COUCH: Yeah. Right.

CHAIR WHITE: --is to give you all an opportunity to explain *ahead* of time the benefits of consolidation. And Lisa touched on it a little bit, but I think we'd like to hear how, you know, how are permits tracked now and what would be gained if we'd consolidate everything into, into one?

MR. BAZ: Okay. I'm sorry, Mr. Chair. I was under the impression you were asking the question of whether or not we would propose an amendment...and we would not, we would leave it as is. But for the functionality, Ms. Almeida can explain a little bit more maybe.

CHAIR WHITE: Okay. Thank you.

MS. ALMEIDA: So as the permits are handled now, each district has its own I guess satellite office--for a way to explain it, right, so there's a permit office in Central, East, West, South, and Molokai. And each office has a Permit Clerk. And right now those Permit Clerks all are under the, what we call internally, our Recreation and Support Division. And so all of those Permit Clerks are, if you look at the existing organizational chart, they all report to the Recreation Division. We also have myself, I'm the Special Events Specialist and I handle permits; as well as the Grants Coordinator position also handles permits under the Administration. The idea was that because we are working with the permit offices *daily*, we would take those permit functions and consolidate them--leaving the Permit Clerks in their individual offices because it's a service to the community, so that physical part will remain the same. But what we'd like to do is just handle the permit administration in one distinct area of the Department, so we can look at the calendar comprehensively and let Recreation handle their recreation functions such as program planning, officiating, monitoring the facilities, things of that nature. That was, that's really the intent--is to kind of put together all of permit creation and oversight into one area, and then allow Recreation to handle and develop recreation programs.

CHAIR WHITE: Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And I, I can understand the confusion, but let me just see if I can get it right. This is not...has *nothing* to do with the enforcement officers being able to write tickets. This is about --

CHAIR WHITE: Right.

COUNCILMEMBER COUCH: --the current function—I'm explaining this for my purposes, thank you—this is about the Permitting Clerks and the permitting function in one spot and the people

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who enforce the *permits*, not law enforcement or anything, just like our Zoning enforcement officers, all in one department. It just so happens that on the same agenda we have something that talks about some of those enforcement officers getting a little bit more. But this EDR-33 has *nothing* to do with law enforcement, *nothing* to do with police, *nothing* to do with anything other than our permit enforcement the way it's happening now. Is that correct?

MS. ALMEIDA: Yes.

COUNCILMEMBER COUCH: Thank you.

CHAIR WHITE: Ms. Cochran?

VICE-CHAIR COCHRAN: Thank you, Chair. So we were just handed out Exhibit "1", I guess came from our budget details of this past Budget. And it shows Parks Permit and Enforcement Program which we completely deleted out and it got moved to Administration Program. So I think that's where it's at and so basically, the functions of the program that's within Administration currently, I mean, that, all that stuff, the actual work is not going to change. The people are still doing what they do, but now you're trying to...I mean it sounds like it's trying to create a division thereby you gotta have another division head to take care of all of those, these functions that are already being taken care of basically. So I'm trying to figure out what...I mean, I get how you want to streamline and put it all together. Okay. Great, but...

MS. ALMEIDA: There's a lot more layers now, so basically the people are doing the same job, yes, but they report to Recreation and Support versus just having one area that is handling permitting. So calendaring of facilities, permit application requirements, you know, submitting all the different things that we require for permits, it's all very segmented now in each district and then it all works its way up to the Director for approval. So we have some people handling permits in some divisions; we have, you know, right now each division is kind of doing their own thing and then it all funnels up to the Administration. So I think our intent was to consolidate that effort and it's also like best practices so that each time a permit gets done, it's done consistently. It won't vary from which division you're going to or which district you're going to.

VICE-CHAIR COCHRAN: Why is it even like that? 'Kay. And so...oh, never mind, I don't have any more questions right now.

CHAIR WHITE: Okay. Ms. Baisa?

COUNCILMEMBER BAISA: I am now clear. Just want to say something in regards to this moving of people around or consolidating divisions or trying to be more efficient or whatever it is. I think everybody knows that I am a believer in letting people manage their, their areas and to the best of their ability, 'cause usually the people that are doing it have the best understanding of what needs to be done or how it needs to be done. I think the problem comes in, that in order sometimes for you folks to, you know, rearrange duties or consolidate or do things better, it requires money. And when it requires money, then it comes here and that's how we get in it.

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And then there's that cross between our input and management's right to manage and you know, kind of staying out of the nitty-gritty. And I think that's what happens here--is that, you know, you have a good plan and you think it will work better, but then whenever it involves more money, more staff, whatever, that's where it gets confusing. Because you gotta convince the Budget people that you really need the money and that there's a benefit; otherwise, you know, we get kind of nervous about just spending more money, or adding more money, or moving people around for the sake of moving them. And I think that's what's the issue--is, you know, do we, the Budget people, need to clearly understand what is the benefit, what is the cost benefit. And I think if that is explained clearly to us, then we're probably okay. And I'm still not sure that, you know, that's what we have. And I think that's what Mr. Pontanilla is trying to get a hold of. He wants to see how things are aligned now and how they would be aligned in the future and, you know, how that works.

VICE-CHAIR COCHRAN: Yeah, like a pros and cons list.

COUNCILMEMBER BAISA: Yeah.

CHAIR WHITE: Oh. You want to respond to that or...

MR. BAZ: Mr. Chair, I was just going to offer, you know, the Department is producing the Table of Organizational Chart which has an accompanying Table of Functional Chart. And we can transmit that to this Committee for your information.

COUNCILMEMBER BAISA: It might help.

MR. BAZ: It's not something that's normally transmitted because it is a management function --

COUNCILMEMBER BAISA: Right.

MR. BAZ: --and it's something management --

COUNCILMEMBER BAISA: Right.

MR. BAZ: --does. But it's something that is produced and gets reviewed by management and then also by the unions and by Personnel to make sure, you know, it all fits in in those pieces, but we can transmit that once it's complete, to you so you have a better understanding of that.

COUNCILMEMBER BAISA: I think that might be very helpful. And again, you know, I really don't like to get involved in managing, but if it's what it takes in order for us to feel comfortable, then maybe that's what we gotta do. Thank you.

CHAIR WHITE: Mr. Pontanilla?

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COUNCILMEMBER PONTANILLA: Thank you. And you know, I take Member Baisa's comments, you know, at heart...being ex officios for companies, and when we go through a process in regards to making new divisions, you know, we gotta make sure all the i's are, you know, dotted and you know, all...everything is in place. I can understand where the Parks Department, where they coming from. But again, you know, for anything and, well, for me, if you want something that will provide efficiency for the County of Maui and save money, then you gotta prove it to us. And basically that's what Member Gladys, Member Baisa is, you know, trying to say--anything that involves money, you know, it's the public that's going to be paying for the functions. And again, you know, I can understand where you guys are coming from, but I think the bigger picture is that on the last item that we're going to be taking up, that's when...you know, because you looking at enforcement of permits and then you looking at rangers enforcement. Then if you want to create a division or a program, then I think in the future with...I don't know if you're going to bring it back again but you know, something that is comprehensive combining both to, for us to have an overall picture of what you're trying to achieve. Because in my mind and as you said, Lisa, that these two entities will basically work in the same area. So you know, not...it's something that's worthwhile taking a look at because I can see the good, the good in it. But again, it needs to be worked out such that, you know, again, you know, we need the Police Department input in regards to if we should create something that will support the Police Department in the future because I understand that, you know, police can't be at the parks all the time. So what other training should we provide law enforcement for the park rangers, yeah? So, in context, you know, I like the program...but need to explain, you know, the benefits of this program, how it's going to benefit the County of Maui. Thank you.

CHAIR WHITE: Okay. If I could just try to put some clarity to this. Ms. Almeida, when you were speaking you were saying that it *currently*, that currently or the permit offices in the district are not *currently* answering to the Administration. Is that what you were saying?

MS. ALMEIDA: That is correct.

CHAIR WHITE: But that is part of the *plan* that is authorized by this last year's Budget. Is that correct?

MS. ALMEIDA: Yes.

CHAIR WHITE: Okay. So you're moving in that direction.

MS. ALMEIDA: Yes.

CHAIR WHITE: You're just not there yet.

MS. ALMEIDA: Correct.

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CHAIR WHITE: Okay. So I guess the question that this Committee needs to hear the answer to is, beyond what you've...beyond the process that you're going through now, do you see any further changes to your organization that would require it be brought up in this upcoming Budget?

MS. ALMEIDA: I think the long-term intention is to have, yes, permits and enforcement, whether it be a section and anything...so long as the functionality is there, the Department, you know, whether it's a Division or a stand-alone section under the Administration, so long as we can get to a place where the permits and then the permit enforcement is handled side by side...then we've reached our goal. I think that's what we're trying to do and no...either way whether it's a section within the Administration or its own stand-alone Division, they will both report to the Director and the Deputy Director of Parks.

CHAIR WHITE: Okay. So I would just like to ask that if, if there are changes that are going to be suggested in the upcoming Budget that you provide us some advanced notice.

MS. ALMEIDA: Understand.

CHAIR WHITE: Okay. Members, any further questions on this item? If not, the Chair would like to...I don't need to do this by vote, we can just...with no objections, we'll file this communication. Do we need a motion?

COUNCIL MEMBERS: Motion to file.

CHAIR WHITE: Okay. The Chair would entertain a motion to file EDR-33.

VICE-CHAIR COCHRAN: So moved, Chair.

COUNCILMEMBER COUCH: Second.

CHAIR WHITE: Moved by Ms. Cochran and seconded by Mr. Couch to file communication EDR...or to file—is that a communication or an item—okay, communication item. All those in favor, say, “aye”.

COUNCIL MEMBERS: Aye.

CHAIR WHITE: Those opposed, say, “no”.

**VOTE:       AYES:     Chair White, Vice-Chair Cochran, and Councilmembers Baisa, Carroll, Couch, and Pontanilla.**

**NOES:     None.**

**ABSTAIN:   None.**

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**ABSENT:** None.

**EXC.:** Councilmember Hokama.

**MOTION CARRIED.**

**ACTION:** Recommending **FILING** of communication.

CHAIR WHITE: Motion carries. Six to zero. Thank you, Members.

**ITEM EDR-34: PROPOSED OUTSOURCING OF THE DEPARTMENT OF PARKS AND RECREATION, PLAY AND LEARN SESSIONS (PALS) PROGRAM (MISC)**

CHAIR WHITE: Moving on to EDR-34, Proposed Outsourcing of the Department of Parks and Recreation, Play, Learn Sessions or PALS program. And, Mr. Baz, if you'd like to...

MR. BAZ: Thank you, Mr. Chair. During the Fiscal Year '13 Proposed Budget, the Administration proposed to start the outsourcing of the PALS program as a function. We weren't planning on reducing any functionality of PALS. We weren't planning on cutting it or deleting it, as a lot of the community was concerned about. All we were trying to do was, based on my discussions with the Mayor, there's a few functions that we thought would be better handled by a private provider who is typically managing personnel who work with kids a lot. The Mayor was concerned about liability, screening of employees, the training of those employees and also the efficiency of constantly having to rehire employees for the different PALS sessions. So because of those items, the Mayor did propose that this be considered for outsourcing. It is...he, he still has that same concept in mind, but it's up to, you know, the Council--if you'd like us to pursue it, we can continue doing research on it and provide you with more information. If it's something that is...you're looking at, you know, understanding that, you know, these are our concerns, but if you're comfortable with leaving it the way it is, then we can leave it the way it is as well. So basically that's our comments on this.

CHAIR WHITE: Okay. Mr. Matsui, anything to add?

MR. MATSUI: No, I have nothing to add.

CHAIR WHITE: Okay. Members, any questions or comments? Ms. Baisa?

COUNCILMEMBER BAISA: Okay. I'll go down that treacherous track again. When this was brought up during the Budget, our telephones went crazy and the e-mails went crazy because I think people were not aware that there was an idea of outsourcing it or changing it in any way. And they didn't have enough information so they assumed the worst, and these are parents that apparently love PALS, count on it, and you know, are really, really happy with it. And so I think even the Members were a little, you know, taken aback, like we're not ready to talk about this. And that's probably why it's in this Committee, so we can talk about it. But for me, I understand

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where the Mayor's coming from and everybody knows I normally really feel that a lot of human type services are done very well in the...away from government and in the nonprofit sector. This seems to be for some reason something that needs another look. I would strongly recommend that if we're going to mess around with the PALS program--and I know you had 450, you know, things sent out, but I don't know that this survey asked people do you think that we should outsource it, and I think that's probably the pivotal question. I think that we'd better communicate with the parents and ask them what they think before we make any moves because I would be very dearth to support any change without hearing from the community. Thank you.

CHAIR WHITE: Thank you, Ms. Baisa. Mr. Couch?

COUNCILMEMBER COUCH: Thank you. And this question is to Mr. Matsui. I know he's...there, I can see him. Mr. Matsui, back, way back when, when...at any time did the County run the youth centers at all or were they always farmed out?

MR. MATSUI: The youth centers were built by the County, I think it was under Hannibal Tavares' Administration, and the idea was to form a nonprofit and so each of the center had a board, individual board, and I think the County funded some it, some of the staff, the day-to-day staff but the board was a voluntary board. And part of their task was to raise funds also to supplement the County's money. And that's how it started.

COUNCILMEMBER COUCH: So in essence, the County had a need to take care of our youth and they did, and they essentially figured that they'd put it out to the people who that was their expertise, as opposed to having the County itself run these programs. Is that how that worked?

MR. MATSUI: Yes. Pretty much. You know, there was oversight from the, from the Department --

COUNCILMEMBER COUCH: Uh-huh.

MR. MATSUI: --and at one point it was... 'cause it was grant was put in Human Concerns also.

COUNCILMEMBER COUCH: Okay. And Mr. Chair, this is, this is where this is another one of those things where, I mean, we, the County provides basic services and taking care of our youth is, I think, one of the basic services; however, we're not experts at that as we are experts at police and fire protection.

CHAIR WHITE: Uh-huh.

COUNCILMEMBER COUCH: Because that is a very specialized field. And so we essentially hired out the people to do our youth centers. This is a similar thing, although it's a...just for the summer kind of deal where there's a lot of liability that the County takes if we hire a bunch of people who, for the summer at a very low rate that come in there and watch a lot of our kids, a whole lot of our kids. Whereas, these other organizations, they do background checks on the, on their employees; they do a lot of youth training for employees to how to handle kids of all ages.

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So I think this is one of the ones that should go to the experts in my opinion, because I'm sure the Department itself has a hard time every...you see the ads in the paper, they're already in for this...for next summer, it looks like almost, where they've got to hire a bunch of people for a short amount of time. And for...when they do that ramp-up hiring, they don't have a chance to do all these background checks. They're just saying we're going to get whoever we can get, go out there and take care of the kids for three months and then go away. Whereas, these other organizations have a really good background on doing that kind of thing. So I think this is something...and plus, the liability then shifts to the other organization as opposed to inside the County--in my opinion, I don't know if that's what the Administration sees.

MR. MATSUI: As far as background checks, we do background checks for all of the employees. A lot of the employees return, you know, every year.

COUNCILMEMBER COUCH: Year after year.

MR. MATSUI: So, you know, there is like, you know, I guess what do you call that?—on the...training and experience that's looked at. You know, I think what we...would be good is if, if you really want to know how PALS is run, the training that, you know, you dedicate a session and we'll bring our people in to explain what they go through and the program.

COUNCILMEMBER COUCH: Sounds like a great idea, Chair.

CHAIR WHITE: Uh-huh. Mr. Pontanilla?

COUNCILMEMBER PONTANILLA: Thank you, Chairman. You know, when we went through the Budget process, I was one of the those that was really concerned. And I utilized my daughter as an example of the program. And there are many students, high school students that are now professional working for County government, State government and the like. I used my daughter as an example because she was a leader in the PALS program for several years, and today she's a school teacher at Waihee Elementary School. And I look at Josiah who is a product of PALS along with Scott Kaneshina, you know, they're working for County government and they're very productive citizens. So the PALS program that is run by the County of Maui, I think is very beneficial in a sense that it provides some kind training for our younger teenagers that some someday would become teachers, government workers, State work...you know, County, State workers and other professions. Like Mr. Matsui had indicated, you know, yeah, we provide 'em training. We provide the background check. And for me, you know, outsourcing, yeah, outsourcing may be good, but what guarantee we have that you know, our youngsters in high school that may become, you know, in their future endeavors, work with kids. How many of them will have that opportunity? We really don't know. Because when you look at some of the organization that is privately run by nonprofits, you know, they have already staff, and how many more staff would they require? Again, you know, the money goes from one pocket to the other pocket. So I still...I still want the PALS program to remain with the County of Maui. Thank you.

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CHAIR WHITE: Ms. Cochran?

VICE-CHAIR COCHRAN: Thank you, Chair. And yeah, I want to put in a plug for my wonderful Executive Assistant Jordan Molina, who's a product of the PALS program, along with Josiah. Anyways, so I'm just reading, you have some awesome awards of excellence and everything for the program thus far. It's been in existence for 20 years, seems like with wonderful, you know, accolades. So, so kudos to your Department. And I recall Budget session, and the parents were kind of, yeah, there was sort of a public outcry that they really, really love the program. So my question is, I mean, that's fine, but yes, how can we make sure that the outsourced company or whatever that takes over the program is, is of high quality and standards that, you know, can continue to, to provide low, affordable pricing for our families. That's important and I'm sure it'll be vetted out. I'm just curious if there are actually companies who have stepped up to want to do the job at this point.

MR. BAZ: Mr. Chair?

CHAIR WHITE: Uh-huh.

MR. BAZ: Mr. Chair? You want me to respond?

CHAIR WHITE: Go ahead.

MR. BAZ: If we take the current Department of Human and Concerns, Youth Centers Program as an example, they have significant standards that the youth centers are required to meet. It's a series—I forget how many of 'em—but it's a series of many, many standards that are part of their contract. And, you know, so when we give them a contract to provide funds, they're saying that they're going to be meeting these certain standards. So as far as answering your question about how we would determine whether or not an organization that we would hire to do this versus our own internal organization, would be by contract, by grant agreements having them fulfill these certain requirements. And they are very stringent and they do, you know, provide training on a regular basis and things like that, Department does that.

VICE-CHAIR COCHRAN: Uh-huh.

MR. BAZ: And so that's how that would be done. But you know, like I said, Mr. Chair, if this is something that the Council understands where the Administration is coming from in our proposal and does not want to move forward with it, we're okay with that.

VICE-CHAIR COCHRAN: And but...sorry, Chair.

CHAIR WHITE: Go ahead.

VICE-CHAIR COCHRAN: And so, Mr. Baz, is...has...have you been looking into different organizations to possibly take over the program?

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MR. BAZ: Mr. Chair, when, when the Budget and Finance Committee was reviewing this last year, there had a been a number of organizations that came forward and said that they would be putting in proposals if it does get, you know, we do an RFP, they would be putting proposals together. And we were, you know, kind of contemplating separating it out similar to the youth centers where by geographic area, so it wouldn't have to be just one organization that would oversee all of Maui County but there would be different geographic areas. So Molokai, you know, could have their own organization, you know, that works with youth over there, you know, providing the services on Molokai. The Mayor saw that it'd be a little bit direct...better direct oversight as well because there's only three permanent staff as part of the Department. I know the Department of Parks and Recreation does a really good job in the other recreation support staff helping, you know, making sure that the PALS program is good, but they really only have two or three permanent staff there and those permanent staff are the ones that organize, you know, all the people that are hired or rehired and the trainings and stuff like that. And I know, personally, somebody who did, like Mr. Pontanilla mentioned, you know, worked for the PALS program and he worked a number of years and ended up, you know, being a part of that. Now he's a liquor control officer and so, you know, it does, it got him involved in County government. Of course, his grandfather was the Council Chair so it got him involved as well but...Mr. Kawano.

VICE-CHAIR COCHRAN: Right.

MR. BAZ: But anyway, there's definitely benefits, pros and cons to both ways of making it happen. There are people interested in doing this that do it on a regular basis, and, and our staff is capable of continuing to do it, understanding, you know, the constraints and limitations that we have.

VICE-CHAIR COCHRAN: Okay. Thank you, Mr. Baz. Thank you, Chair.

CHAIR WHITE: You're welcome.

COUNCILMEMBER BAISA: Mr. Chair?

CHAIR WHITE: Yes?

COUNCILMEMBER BAISA: I think that...I heard a suggestion earlier that I think would be a very, very good one, and that is before we put this to bed, that we might have the opportunity to have the folks from PALS come talk to us and explain, you know, how it's done and who does what. I think we all know of it, but not all of us really know it intimately, what goes on and, you know, who's hired and how they do things. But before we make a big change, I think we have to really pay attention. Thank you.

CHAIR WHITE: Members, any further questions? The Chair's thoughts on this are that I don't think anyone in the Council is adamant that change shouldn't happen. I think we're all more than willing to look at ways to save money and consolidate, and if the Administration's interest was

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to, by outsourcing, ease up some of the pressure on the Parks Department, I think many of us would go along with that. I think what took place during Budget is that we saw this, this significant shift, involving a whole lot of our kids, taking place without any preparation, without any groundwork, without any efforts to communicate how it would be done, who would be participating and so forth. So again, the purpose of this meeting is to have the discussion we're having. I don't feel that the Administration should walk away with a feeling that we're not willing to consider outsourcing, because we outsource a lot of things.

COUNCILMEMBER BAISA: Many things.

CHAIR WHITE: And many of those outsourced functions are performed extremely well. So the Chair's intent is to leave this...is to defer this item so as to leave it open for further discussion, and I'll be in discussion with the Parks Department to bring in the PALS people. And I think it would also be important for us to hear a little more of a fleshing out of the Administration's concept and how far they got and what, if any, hurdles there might be with that. So if there are no more questions or comments...are there, Members?

VICE-CHAIR COCHRAN: Uh-uh.

COUNCILMEMBER WHITE: Okay. Without objection, we'll defer this item.

COUNCIL MEMBERS: No objections.

**COUNCIL MEMBERS VOICED NO OBJECTIONS.** (excused: GRH)

**ACTION: DEFER pending further discussion.**

**ITEM EDR-2: AUTHORIZING PARKS SECURITY OFFICERS TO ISSUE PARKING CITATIONS AND PROHIBITING UNAUTHORIZED COMMERCIAL ACTIVITY IN PARKS (CC 10-270)**

CHAIR WHITE: And we first got word that the police were in the process of sending someone, but we subsequently got a message that they can't make it. So I will...I know we have one Member that needs to leave in ten minutes and another that needs to leave by 11:00, so I will leave it to the Members' wishes whether we continue with EDR-2 or defer it to another day.

VICE-CHAIR COCHRAN: Defer.

CHAIR WHITE: We could have a discussion now while these people are here, but I think the discussion would be more well-formed if we waited for the Police.

VICE-CHAIR COCHRAN: Yeah. Yes.

COUNCILMEMBER COUCH: Yes.

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CHAIR WHITE: Okay. So without objection we will defer item EDR-2.

COUNCIL MEMBERS: No objections.

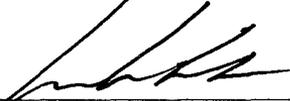
**COUNCIL MEMBERS VOICED NO OBJECTIONS.** (excused: GRH)

**ACTION: DEFER pending further discussion.**

CHAIR WHITE: Okay. With that, Members, I want to thank you, all, for being here today and this meeting is adjourned. . . .(gavel). . .

**ADJOURN:** 10:06 a.m.

APPROVED:



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MIKE WHITE, Chair  
Economic Development, Agriculture,  
and Recreation Committee

edr:min:121004;jz

Transcribed by: Julie Zaner

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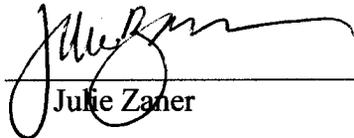
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**CERTIFICATE**

I, Julie, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 15<sup>th</sup> day of October, 2012, in Wailuku, Hawaii.

  
\_\_\_\_\_  
Julie Zahner