

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

Council of the County of Maui

MINUTES

December 6, 2012

Council Chamber, 8th Floor

CONVENE: 9:04 a.m.

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

EXCUSED: Councilmember G. Riki Hokama, Member

STAFF: Josiah Nishita, Legislative Analyst
Camille Sakamoto, Committee Secretary
Ella Alcon, Council Aide, Molokai Council Office (via telephone conference bridge)
Scott Jensen, Legislative Analyst (via telephone conference bridge)
Dawn Lono, Council Aide, Hana Council Office (via telephone conference bridge)
Jeffrey T. Kuwada, County Clerk, Office of the County Clerk
Lance T. Taguchi, Deputy County Clerk, Office of the County Clerk
Ken Fukuoka, Director, Office of Council Services
Dianne Shimizu, Supervising Legislative Analyst, Office of Council Services
Ross Izumigawa, Council Services Supervisor, Office of Council Services
Clarita Balala, Committee Secretary (via telephone conference bridge)
Carla Nakata, Legislative Attorney (via telephone conference bridge)

ADMIN.: Patrick T. Matsui, Deputy Director, Department of Parks and Recreation
Jeffrey T. Ueoka, Deputy Corporation Counsel, Department of the Corporation
Counsel

OTHERS: Shirley Ann Kaha`i, Executive Director, Friends of Moku`ula (Item EDR-23)
One (1) additional unidentified attendees

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

CHAIR WHITE: . . .(*gavel*). . . I would like the meeting of the Economic Development, Agriculture,
and Recreation Committee to come to order. And before we begin, please turn off your cell

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phones and other noise-making and noisy devices. And this morning, we have Elle Cochran, our Committee Vice-Chair.

VICE-CHAIR COCHRAN: Aloha. Good morning, Chair.

CHAIR WHITE: Good morning. Gladys Baisa.

COUNCILMEMBER BAISA: Good morning, Chair.

CHAIR WHITE: Bob Carroll who's...and Don Couch.

COUNCILMEMBER COUCH: Good morning, Chair.

CHAIR WHITE: And Council Vice-Chair Joseph Pontanilla.

COUNCILMEMBER PONTANILLA: Good morning.

CHAIR WHITE: Good morning. And excused this morning is Riki Hokama. And joining us from the Parks is the Deputy Director of Parks and Recreation Pat Matsui. And Jeffrey Ueoka from Deputy Corporation Counsel. And our Committee Staff this morning is Secretary Camille Sakamoto and Legislative Analyst Josiah Nishita. At the General Election held on November 6, 2012, Maui County voters approved an amendment to Section 3-5 of the Revised Charter of the County of Maui, 1983, as amended, as follows: to the extent capable, the Council shall provide interactive communications access for the residents of Hana, Lanai, Molokai, and other geographic areas as the Council shall deem appropriate and reasonable to all County Council meetings and County Council Committee meetings. Said access shall include but not be limited to the ability of the public to testify, of Council members to ask questions, and of the public to respond to questions. Section 14-2(3) of the Charter provides that the amendment shall become effective 30 days after its adoption, today, December 6th. In an effort to comply with this amendment within the 30-day period we're starting with a limited telephone interactive communication system at this morning's meeting that will enable individuals from Hana, Lanai, and Molokai to provide testimony by way of speakerphone from our district offices. And assisting us this morning from the Hana District is Dawn Lono.

MS. LONO: Aloha, this is Dawn.

CHAIR WHITE: Thank you, Dawn. From the Lanai District is Scott Jensen.

MR. JENSEN: Good morning, Chair, this is Scott.

CHAIR WHITE: And from the Molokai District we have Ella Alcon.

MS. ALCON: Good morning, Chair.

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CHAIR WHITE: Good morning. Members, we also have Carla Nakata and Clarita Balala assisting in Hana and the Molokai District Office staff...assisting the Molokai and Hana District Staff respectively. I appreciate the efforts of our staff from the district offices to assist us with these efforts, as well as the patience of all concerned as we implement the new Charter requirement. Members, during public testimony please remember it is important for each of you to speak directly into your microphones should you have questions or need clarification from any of the testifiers. This will help ensure that those providing testimony from the district offices will be able to clearly hear and understand your questions or comments. With that we will begin public testimony in a few moments for individuals. Do we have any public testifiers here in the Chambers?

MR. NISHITA: No, Mr. Chair, there are none in the Chamber.

CHAIR WHITE: Okay. Then. . .I don't believe we have testifiers in the outlying areas either. Yeah, but we'll. . .so we will begin public testimony and. . .Members, without objection, we'll proceed to have the Committee accept testimony on today's items.

COUNCIL MEMBERS: No objections.

CHAIR WHITE: Thank you, Members. We will call the first testifier--since we have no one in the Chamber, we will call the first testifier from Hana. Hana Staff, please call your first testifier.

MS. LONO: Mr. Chair, this is the Hana District Office, I'm Council Aide Dawn Lono. No one is currently here to present testimony.

CHAIR WHITE: Thank you, Dawn. We'll move to Lanai. Lanai Staff, please call your first testifier.

MR. JENSEN: Mr. Chair, this is the Lanai District Office, I am Legislative Analyst Scott Jensen. There are no members currently on Lanai to testify.

CHAIR WHITE: Thank you. And from Molokai, please call your first testifier.

MS. ALCON: Mr. Chair, this is the Molokai District Office, I am Counsel Aide Ella Alcon. No one is currently here to present testimony.

CHAIR WHITE: Thank you. I'd just like to let all of you Staff know that we can hear you loud and clear, and hopefully you can hear us well enough. Can you?

MR. JENSEN: Yes, from Lanai, yes. Thank you, Chair.

MS. LONO: From Hana we're having a hard time hearing.

CHAIR WHITE: Okay. And how about Molokai?

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MS. ALCON: Yeah, it's hard to hear also.

CHAIR WHITE: Okay. Well, we'll need to work on that before tomorrow. So appreciate your feedback. If there is...seeing...well is there anyone in the Chambers who would like to testify this morning? Seeing no one approaching, and if there are no individuals approaching the remote office setups, if the three of you could reply that there are, remains no one there to testify. Hana?

MS. LONO: There is no one here to testify.

CHAIR WHITE: Lanai?

MR. JENSEN: Mr. Chair, no one is here to testify from Lanai.

CHAIR WHITE: Thank you. And Molokai?

MS. ALCON: Mr. Chair, there is no one here at Molokai to testify.

CHAIR WHITE: Okay, thank you. Members, there are no further individuals in the Chamber or the district offices wishing to testify, so without objection, I will now close public testimony for the items on today's agenda.

COUNCIL MEMBERS: No objections.

CHAIR WHITE: Thank you, Members.

ITEM EDR-30: FEES AND DEPOSITS FOR USE OF PARKS AND RECREATIONAL FACILITIES FOR TYPE II AND TYPE II(R) COUNTY CO-SPONSORED ACTIVITIES (CC 12-6)

CHAIR WHITE: Members, we have only two items on the agenda today. The first item relates to fees and deposits for the Type II and Type II(R) Permits. And the second item relates to the referral of EDR-23 to the Council Chair for the term beginning January 2, 2013. And...this morning's EDR-30 item, Fees And Deposits for Use of Parks and Recreation Facilities for Type II and Type II(R) County Co-Sponsored Activities. As you will recall, we deferred this item earlier in order to get additional information from the Parks Department as to how much money we were talking about and from whom this money was coming. And this morning we do have some of the details that have been provided by the Parks Department. So to open up the discussion, Mr. Matsui, would you like to provide us with your comments?

MR. MATSUI: If you look at the information provided, we'll give you two Fiscal Years from July 1, 2010 to June 30, 2011, and also the following Fiscal Year, July 1, 2011 to June 30...yeah, gotta be a typo, 2012. The totals are at the bottom of the page. It's divided into Type II and Type II(R). Type II is events by nonprofits, co-sponsored by the County of Maui which charges

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no participation fees, does not generate revenue. Type II(R) is co-sponsored by the County of Maui but produces revenue. So the big change is for the most recent Fiscal Year, the amounts that...well actually for the Type II, the one that generates no revenues, totals was 1,500 for the Fiscal Year 2011 and 2,100 for Fiscal Year 2012. For the Type II(R) for Fiscal Year 2011 was 19,245, and for Fiscal Year 2012, 13,850. Pretty much what we were looking at was the II(R) that produces revenue. If you look down the list of who is paying those revenues, a lot of it is the State of Hawaii, the MIL, and they had some preseason games, that kind of thing. But, you know, that's the biggest impact on the State high school sporting.

CHAIR WHITE: Do you have a sense of how much this revenue represents of the total fees collected by Parks?

MR. MATSUI: I don't have it, but I think it's very small. You know these are one of the smaller categories. 'Cause even if you look at the rates, as you go up like Type IV and Type V lists for example like a gymnasium. For a Type II(R) it's \$75 per day, Type IV is 150 per day, and Type V is 500 a day. So, you know, the revenues is as a percentage of how much the Parks Department is getting is not, I don't believe is that large, but I can get you that information later.

CHAIR WHITE: Actually Staff has just handed me a note which is a copy of a letter to Budget Chair Pontanilla last year stating that all Parks facility permits total \$674,159. So this is a small percentage of the total. Any further comments? Mr. Matsui?

MR. MATSUI: No comments.

CHAIR WHITE: Okay, thank you. Members, any...Mr. Couch, followed by Ms. Baisa.

COUNCILMEMBER COUCH: Thank you. Thank you, Mr. Chair. Mr. Matsui, you know when it talks about the light fee on all these, is that actually reflective of the true cost that it costs us to run the lights for that amount of time or is that just a flat fee that the Department came up with?

MR. MATSUI: It's a flat fee based on...I think we did some kind of ballpark studies. But --

COUNCILMEMBER COUCH: So it basically...

MR. MATSUI: --you know it varies from park to park.

COUNCILMEMBER COUCH: Right.

MR. MATSUI: A football is way different from a baseball field, and so is a softball field is a lot different from tennis courts.

COUNCILMEMBER COUCH: Would it be beneficial to...I'm assuming that it's kind of an average all the way around so we kind of lose money on the football field and gain money on maybe the tennis courts or something? I don't know.

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MR. MATSUI: Yeah, I'm not sure how they arrived at it. You know it kind of varies by the use. I don't think it reflects the actual use. You know I'm just looking, like the football stadium for Type II(R) is \$200, for Type IV it's 300, and Type V \$1,000, so, you know, I think it's, it kind of...

COUNCILMEMBER COUCH: That's for the lighting fees?

MR. MATSUI: Yes.

COUNCILMEMBER COUCH: So the lighting fee changes depending on the permit then?

MR. MATSUI: No, wait, I was looking at the wrong column. Okay. Football stadium for 2 hours, \$100, for Type IV 150, and Type V \$200 per night.

COUNCILMEMBER COUCH: Okay. Mr. Chair, maybe in the next term or whatever, we can discuss possibilities of finding out what the costs are of these types of light and maybe coming up with a better...some sort of recovery or close to recovery on that. It might be something you might want to pass on to the next Chairperson. Thank you.

CHAIR WHITE: Okay. Ms. Baisa.

COUNCILMEMBER BAISA: Yes, thank you, Chair. I don't know if this was mentioned before and I don't remember but what was the genesis of this request? How did this get started, this bill to exempt them from fees?

CHAIR WHITE: This...the bill was initially referred to us by the Parks Department to allow for the, a waiver of the fees for these three categories, but in the transmittal letter that we received yesterday, it stated in the last two years there have been no fees collected or no events put on by either seniors groups under these two categories or under organizations for persons with disabilities.

COUNCILMEMBER BAISA: So the request is from Parks to do this because there's nobody that's paying anyway?

CHAIR WHITE: I would characterize it a little bit differently. It sounds...it looks to me like they're trying to help the MIL by waiving those fees, 'cause it's the vast majority of what we're collecting.

COUNCILMEMBER BAISA: That's where I'm trying to go is who are we trying to benefit, what is the reason for the request?

CHAIR WHITE: Mr. Matsui, can you give some clarification?

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MR. MATSUI: Yeah, you're correct in that we had asked for senior citizen and handicapped, but the biggest fees we're collecting is from the youth groups --

COUNCILMEMBER BAISA: I suspect that the --

MR. MATSUI: --and that's the MIL.

COUNCILMEMBER BAISA: --seniors are not the MIL --

MR. MATSUI: Right.

COUNCILMEMBER BAISA: --and the handicapped.

MR. MATSUI: That's correct.

COUNCILMEMBER BAISA: Okay. No, I'm just trying to figure out, you know, where did this request come from and who are we trying to help? Because it's so, a small amount of money but yet, you know, it's money. And a small amount here and a small amount there and, you know, the money keeps going, leaking out. So I'm trying to figure out, you know, if we're going to do an exemption, who are we trying to benefit, and does the exemption help a group that we feel strongly we want to help? And that's what I'm trying to get out of this. Thank you.

CHAIR WHITE: Right. Mr. Pontanilla.

COUNCILMEMBER PONTANILLA: Thank you. Very interesting. You know my daughter works at one of the schools over here and they man the booths at the stadium, and \$100 a night is like really small amount in regards to the lighting. Of course there are some issues in regards to maybe fixing up certain areas of the stadium itself. You know when it comes down to fees, again, it's basically our responsibility to determine what it should be, you know, although we get information from the various departments. And one of the things that I look at is when you look at your water fees, your trash collection fees, you know, the question who do we want to help? And actually we want to help the people of this County, so if we can make it such that it's affordable for organizations to pay a certain fee then by all means either you lower it or you raise it to meet County costs. But again, it would take up the body next year in regards to looking at fees, because, you know, when budget time comes around, you know, each of us or each of you will be approached by individuals or organizations in regards to those fees. And how do you help those people and organizations? It's one of the things that need to be weighed, and, you know, you've gone to the bond rating hearings and you see what the County's up against in regards to those revenue streams. So it's going to be very interesting when you bring it up next year. So thank you.

CHAIR WHITE: Well just...any other questions from the Members? Comment?

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COUNCILMEMBER COUCH: Well maybe a question for Mr. Matsui. So you're asking for, for instance, the MIL football, and soccer, and track and field, and baseball to be exempt from these fees now?

MR. MATSUI: That's correct.

COUNCILMEMBER COUCH: And they're the ones that use these fields the most? I mean that's what it looks like here on your breakdown, your supervised...

MR. MATSUI: Well, you know, the football has its season that's in the fall, baseball is in the winter, you know, like January to I think March, so, you know, you can't...during that time they use it like every weekend pretty much. But, you know, the rest of the year when it's offseason, there's other leagues that use it.

COUNCILMEMBER COUCH: Right. And, Mr. Chair, I can see as I think Mr. Pontanilla alluded to helping our youth groups is a good idea; however, you know, MIL is a State function and they're using our properties. And I'm speaking for my absent colleague next door too, I'm sure, it's one of those things where, you know, that's a pretty big moneymaker for MIL, at least for football, I don't know so much about the rest. And that's the main...it's my understanding that's the main cause of the field being torn up all the time which we have go through and do some major repairs quite often. So the little that they, it appears that they pay would help offset some of those costs, so I'm not sure that...I can see certainly senior citizen and persons with disabilities and possibly County youth organizations, but I would have a hard time...seeing what we can do about the MIL.

COUNCILMEMBER PONTANILLA: Chair?

CHAIR WHITE: Mr. Pontanilla.

COUNCILMEMBER PONTANILLA: Yeah. I know our football stadium is used quite often as well as the baseball stadium, and one of the things that youth groups and MIL also, you know, they're looking for more fields to practice on, to play on, on a daily basis almost. And maybe, maybe as a, I guess, recommendation to the Parks is that we look at the baseball stadium and we look at the football stadium and maybe it's about time we go to turf grass, 24/7 play, low maintenance. So that's something that we need to consider or you folks need to consider next year. Do an analysis in regards to how much it would cost to install, how much it costs to maintain turf grass, and then weigh the cost against how much it costs us to maintain the present system that we have over here. You know I'm for supporting, you know, any youth activities including high school, and maybe the Parks Department should look into the possibility of advertising in the football stadium, advertising in the baseball stadium to gain some revenues. I'm sure there are companies on Maui that would love to put their signs in, you know, either stadium to help alleviate the cost for that, the two facilities. Thank you.

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CHAIR WHITE: Thank you. Members, any other comments or questions? The Chair's concern with this, the reason I had scheduled it is that I was wanting to do something for the seniors groups and the organizations assisting people with disabilities. Like Mr. Couch has alluded to and Mr. Hokama speaks to on nearly every occasion when we're discussing the Parks and the State use, I'm not terribly inclined to pass a measure that is only helping the MIL. When you look at the amount of support we give to our Department of Education through providing parks near schools for recess, for all kinds of practice, we contribute a significant amount of money. If you add up the fringes on top of the cost of operating the parks that we see in the budget, total budget is about \$42 million. At that level even if you take off all the fringes, what we're collecting in total fees...by the way I misspoke because the number 674,000 is a three-year total, so it's \$224,000 we're collecting overall, and yet the benefit that we're providing the DOE has got to be in the neighborhood of at least 5 to 10 million dollars. So the Chair is not excited about moving this bill forward at this time, so unless there are objections, I would like to defer this matter.

COUNCIL MEMBERS VOICED NO OBJECTIONS. (excused: GRH)

ACTION: DEFER pending further discussion.

COUNCILMEMBER PONTANILLA: Chair?

CHAIR WHITE: Yes.

COUNCILMEMBER PONTANILLA: Yeah, I would agree, defer and have more studies on it. One of the things that I find out about youth organization nonprofits as well as MIL is that they're always looking for additional funding, and they go out into the community, do fundraising. And, you know, running organization, you know, I've been in youth organization for quite a number of years, and especially if your team is the team that is the champion and you need to go off island then you gotta raise money somehow. And, you know, by eliminating or reducing the fees for especially youth organizations and MIL will support that, and hopefully that, you know, when you bring it forward again that all of these things can be looked at. Because we all get solicited by those organization.

CHAIR WHITE: Yeah.

COUNCILMEMBER PONTANILLA: So I know, you know, their dilemma. Thank you.

CHAIR WHITE: Yeah. No, and I certainly agree with that, and I know many of us contribute to assisting with a variety of, you know, fundraising efforts from the schools. The challenge I have is it's the State's responsibility first and foremost, and I think as a County we're providing a significant amount of support already. And it would be nice to see the State step forward and assist the MIL with some of the very expenses that you brought up.

COUNCILMEMBER PONTANILLA: Yeah. And I read yesterday's paper about the State don't have enough money, like \$54 million that they gotta go find. Hey, that was something. Thank you.

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CHAIR WHITE: Okay, thank you, Chair.

**COMMUNICATIONS FOR REFERRAL TO THE COUNCIL CHAIR
FOR THE TERM BEGINNING JANUARY 2, 2013,
PURSUANT TO RULE 23 OF THE RULES OF THE COUNCIL**

CHAIR WHITE: So we'll move on to the next item, and the next item is the, pertaining to EDR-23, the lease and license of County-controlled parcels to the friends of Moku`ula in Lahaina. And the Chair recommends that the, that this communication be referred to the Council Chair for the term beginning January 2, 2013, pursuant to Rule 23 of the Rules of the Council. Could I have a motion to that effect?

VICE-CHAIR COCHRAN: So moved, Chair.

COUNCILMEMBER BAISA: Second.

CHAIR WHITE: Thank you. It's been moved by Ms. Cochran and seconded by Ms. Baisa to refer EDR-23 to the next Council. All those in favor, say "aye".

COUNCIL MEMBERS: Aye.

CHAIR WHITE: Those opposed, say "no". Motion carries, six zero.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Hokama.

MOTION CARRIED.

ACTION: Recommending REFERRAL of communications to the Council Chair for the term beginning January 2, 2013, pursuant to Rule 23 of the Rules of Council.

CHAIR WHITE: And with that, Members, we have come to the end of this meeting and this term for this Chair, and I just want to thank you all for your support throughout the last two years and appreciate the guidance especially from those of you who have been around a lot longer than

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some of us, like Mr. Pontanilla who has always had his hand on the tiller and guiding us in the right direction over 10 years now. Mr. Pontanilla, I especially want to thank you.

COUNCILMEMBER PONTANILLA: Thank you, Chairman. Thank you. Thank you for your guidance.

CHAIR WHITE: Thank you. And, Mr. Carroll, thank you. I know you're a technically a newbie with some of the rest of us but you've had many more years here than the other freshman here, so thank you. And, Ms. Baisa, I want to thank you as well.

COUNCILMEMBER BAISA: Thank you very much, Chair. Approaching my fourth term, I guess I'm now a senior both by the clock and by the time here. Thank you. It's been a pleasure working with you this term in this Committee. Thank you.

CHAIR WHITE: Thank you. And thank you, Vice-Chair Cochran.

VICE-CHAIR COCHRAN: Yeah, thank you, Chair White. And looking forward to continuing this dialogue about this Moku`ula --

CHAIR WHITE: --Yes.

VICE-CHAIR COCHRAN: --and so thank you for referring it out, and we'll get on it. So thank you.

CHAIR WHITE: We've got to get it moving.

VICE-CHAIR COCHRAN: Yes.

CHAIR WHITE: And thank you, Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

CHAIR WHITE: And with that we'll adjourn. . . .(gavel). . .

ADJOURN: 9:34 a.m.

APPROVED:



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

edr:min:121206:ds

Transcribed by: Daniel Schoenbeck

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CERTIFICATE

I, Daniel Schoenbeck, 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 21st day of December, 2012, in Kula, Hawaii



Daniel Schoenbeck