

**ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE**
Council of the County of Maui

MINUTES

Council Chamber

July 29, 2014

CONVENE: 1:35 p.m.

PRESENT: VOTING MEMBERS:

Councilmember Don S. Guzman, Chair
Councilmember Robert Carroll, Vice-Chair (arrived at 1:37 p.m.)
Councilmember Gladys C. Baisa (arrived at 1:57 p.m./left at 3:06 p.m.)
Councilmember Elle Cochran
Councilmember Stacy Crivello (left at 2:55 p.m.)
Councilmember Michael P. Victorino
Councilmember Mike White (left at 2:25 p.m.)

NON-VOTING MEMBERS

Councilmember Donald G. Couch, Jr. (arrived at 3:27 p.m.)

STAFF: Erin Fleming, Legislative Attorney
Sharon Brooks, Legislative Attorney
Pauline Martins, Committee Secretary

Ella Alcon, Council Aide, Molokai Council Office (via telephone conference bridge)

Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)

Dawn Lono, Council Aide, Hana Council Office (via telephone conference bridge)

ADMIN.: Gary Murai, Deputy Corporation Counsel, Department of the Corporation Counsel (Item 16)
Jeffrey Ueoka, Deputy Corporation Counsel, Department of the Corporation Counsel (Item 47)
Jerrie Sheppard, Deputy Corporation Counsel, Department of the Corporation Counsel (Item 43)
Edward Kushi, Jr., First Deputy Corporation Counsel, Department of the Corporation Counsel (Item 43)
Bill Medeiros, Executive Assistant, Office of the Mayor (Item 16)
Brienne Savage, Acting Director, Department of Parks and Recreation (Item 47 & 43)
Mark Walker, Deputy Director, Department of Finance (Item 16 & 47)

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Guy Hironaka, Real Property Manager, Department of Finance (Item 16 & 47)

OTHERS: Steve Sutrov, Director, Kula Tennis Club
Franklin Wells Feldman
Florence Kong Kee, Government Affairs Specialist, UPW
Dave Jorgensen, President, Valley Isle Co-ed Soccer League
Scott Crawford, Secretary, Na Mamo O Mu'olea
Vernon Kapuaala, President, Hawaii Soccer Federation
Plus (6) other people

PRESS: *Akaku Maui Community Television, Inc.*

CHAIR GUZMAN: . . . (*gavel*) . . . The meeting of the Economic Development, Energy, Agriculture, and Recreation Committee shall now come to order. The date is July 29, 2014, the time is about 1:35 p.m. Before we begin may I ask anybody in the gallery or on the floor to please turn off your cell phones and put it in silence mode. I would like to start off by introducing the members of the Committee. Currently we have Stacy Crivello.

COUNCILMEMBER CRIVELLO: Good afternoon, Chair.

CHAIR GUZMAN: Elle Cochran.

COUNCILMEMBER COCHRAN: Aloha, Chair.

CHAIR GUZMAN: Mike White.

COUNCILMEMBER WHITE: Aloha, Chair.

CHAIR GUZMAN: And Mike Victorino.

COUNCILMEMBER VICTORINO: Good afternoon and aloha, Chair.

CHAIR GUZMAN: And shortly joining us will be our Committee Vice-Chair, Bob Carroll. And excused for the moment is Gladys Baisa. We also have from the Administration our Parks and Recreation Acting Department Director Brienne Savage. We also have representation from the Department of Finance, Bill Medeiros, the Executive Assistant to the Mayor, and we also have Deputy Corporation Counsels. I also would like to introduce our Committee Staff, we have Committee Secretary Pauline Martins, as well as Legislative Attorney Erin Fleming. I'm going to acknowledge the presence of our Vice-Chair Bob Carroll. Good afternoon.

VICE-CHAIR CARROLL: Good afternoon, Chair.

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CHAIR GUZMAN: Thank you, we're gonna go head and turn to our District, our outer Districts which is basically our Hana District Office, Dawn Lono, are you there?

MS. LONO: Good afternoon, Chair. This is Dawn Lono at the Hana Office.

CHAIR GUZMAN: Good afternoon, and also District Office in Lanai, Denise Fernandez, good afternoon.

MS. FERNANDEZ: Good afternoon, Chair. This is Denise Fernandez on Lanai.

CHAIR GUZMAN: And on Molokai District Office, Ella Alcon, are you there?

MS. ALCON: Good morning, I mean good afternoon, Chair. This is Ella Alcon on Molokai.

CHAIR GUZMAN: Good afternoon, okay. Just a list of preliminary matters, if you wanna testify go head and sign up at the entrance area of the gallery of the Chambers. The testimony will be limited to today's agenda as well as pursuant to the Rules of the Council, you'll be allowed up to three minutes to testify and one minute to conclude if requested. When testifying please state your name for the record and any organization in which you represent. Ms. Fleming, can you please call the first testifier.

MS. FLEMING: The first person signed up to testify is Steve Sutrov, followed by Franklin Wells Feldman.

... BEGIN PUBLIC TESTIMONY ...

MR. SUTROV: Good morning Chair, Council members, My name is Steve Sutrov, just a little background quickly on myself. I, oh I'm here to testify on Volunteer, Park Volunteers EAR-43 or whatever I think that is, that's correct. Okay, I'm currently I last 15 years I've been helping you assist the County Parks Department with maintaining and up keeping the Kula tennis court area. We been working well together with doing number of different tasks up there, I and my club, I have Kula Tennis Club which is a USTA sanctioned club and I have a number of members that can assist me if I needed help. And we've done major weed cutting, grass cutting, and making park benches, painting them, implementing things the County wasn't available to do for us. We work currently keeping the grass nice and low and trimming. When the County isn't available to do it we pick up. When I'm not available to it they do it. It's a good partnership. There is wind screens start coming down, you have to get 'em right away or else the weight pulls 'em down all the away and you're talking about one hour work verses a full day of work, and so and graffiti when we get graffiti. We haven't had any about three years but we have been tagged badly in the past and if you don't take care of it right away, it becomes more and more of a

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problem. You let them know it's not acceptable immediately and it's less of a problem and the community stands behind what you're doing much more and the Park has a much safer appearance and a much more pleasurable place to be. And so the main thing is for me is to keep the place, keep the Park safe, clean, and enjoyable place to be, and there's hundreds of us every week to participate up there and playing tennis and we love the place. And we don't mind putting in a few hours now and then to help take care of it, and it gets great reviews by people that visit saying it's nicest public courts they been in the world. And the location helps with that but also the courts are kept clean and safe and the upkeep is above average for our public courts, tennis courts on Maui. And so I think that this bill what I've read, I think it's probably a good thing overall. I have concerns about if it adds more bureaucracy to needing, getting things that are needed to be down if we have to go through another layer of approvals, if I need paint to paint over graphite that kind of thing. If I need assistance with a heavy brush removal or things like that those kind of things in the past haven't really been a problem for me to ask and I've gotten that kind of help. I've gone through, the problem is though I go through different Administrations and sometimes I have to re-establish myself, who I am, so this bill would actually be good hopefully that our club would have the recognition ongoing with law enforcement, too. I work in Wailea...I hope I can have another minute?

CHAIR GUZMAN: Yes, sure.

MR. SUTROV: Okay, I work in Wailea I drive home at night and I stop by the courts four nights a week after I get on my way home around 9:45, 10:15 around there just to check on the courts on my own, crime stop, whatever you wanna call it. But I and times I have filed police reports and problems that have been ongoing in the Park at that time. And the Park people are not really available for doing that kind of thing. but they have that kind of rapport with the law enforcement that they know who I am if I call in, that I don't have to reestablish myself all the time. I can say I'm a park volunteer. I'm authorized to file a police report, this is my adopted park or whatever, you know, so it would be a good thing for that way. And so that's a plus and so yeah, I guess overall it be a good thing. I'm not asking, one thing I'd be against is having a plaque of myself put up on the tennis court wall, it's something I'd take down --

MS. FLEMING: Four minutes.

MR. SUTROV: --and without authorization. Okay, but alright that's it, thank you very much for your time.

CHAIR GUZMAN: Thank you, can you hold one second?

MR. SUTROV: Yes.

CHAIR GUZMAN: Members do you have any questions for Mr. Sutrov? Seeing none, thank you very much for your testimony.

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MR. SUTROV: Alright.

MS. FLEMING: The next person signed up to testify is Franklin Feldman, followed by Florence Kong Kee.

MR. FELDMAN: Good afternoon, Chair and Council Members. My name is Franklin Wells Feldman. I've lived in Kihei for 14 years and I've been going to Cove Park all those 14 years. I came to Maui in 1952 with my dad and fell in love with the Hawaiian Islands. It just took me a long time to retire here. I've helped out in many ways on the island as a volunteer with the Catholic Church feeding our clients -- we don't call them homeless -- and I'd like to adopt Cove Park. Cove Park is a family park. I've been cleaning it up for the last two months, picking up beer cans, picking up broken glass, sweeping it every day, and I go there before the Park opens before the man comes with the key. Lined up along the walls are cars, cars of people that are surfing before the Park is actually open. They come in, move their cars in to Cove Park, the keys controlled by the County. There's one surfer there, he's a college professor, and he surfs when it's dark and I come there, sometimes he beats me, and he surfs until it's time to teach class in the college, and he parks his car in the grass right around there. What I'd like to do is beautify the park. I'd like to take the wall that's around Cove Park and put flowers in there and find a way to get water to it. I'd like to paint all the berms orange again. And I'd like to see that the shower gets improved a little. I also walk on the beach every day and pick up all the plastics that floats in, and it's a wonderful place, wonderful family place. And the police do control it at night after 8 o'clock and see that there's no drinking there. But the Porta Potties are open 24/7, so that I have no control over. But I really think this is a great bill, EAR-43 and I think you should pass it. And also have a Parks coordinator come down and see our Park. Brianne, I never had a chance to meet you until now. It's an honor. That's all I have to say.

CHAIR GUZMAN: Thank you, Members any follow-up question? Seeing none, thank you very much for your testimony and your service to the community.

MS. FLEMING: The next person signed up to testify is Florence Kong Kee, followed by Dave Jorgensen.

MS: KONG KEE: Good afternoon, Chair Guzman and members of the Committee. My name is Florence Kong Kee and I'm here on behalf of State Director Dayton Nakanelua of the United Public Workers. The UPW is the exclusive representative for approximately 14,000 public employees which include blue collar, nine non-supervisory employees in Bargaining Unit 1 and institutional health and correctional employees in Bargaining Unit 10, in the State of Hawaii and various counties. UPW also represents about 1,500 members of the private sector. UPW strongly opposes Committee Report Number EAR-43 that proposes A Bill for an Ordinance Amending Title 13, Maui County Code to Establish a Park Volunteer Program within the Department of Parks and Recreation. This measure seeks to supplant the work performed by

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County employees. I wanna just add, Chair and members of the Committee, that while we agree that the parks and would like to see the parks maintained right, so that the community to a level where the community and the people of the County of Maui are able to go head and use it and, you know, feel really good about it being beautified and so forth. I'd like to remind all of you the issue is staffing, and, you know, there are quite a number of openings that has not been filled, and my understanding is part of this has come up because of funding issues. And so no one has come to us to sit us down and to talk with us. We're kind of curious as to why is it that the new budget was July 1 and we are already saying that there's not enough money. Was there an error in the budget? Was there something with the projections that were not correct? So at this point in time, the UPW cannot support and ask that you hold this bill or, you know, I'd be happy to go head and speak with any of you about amending this bill, and I thank you for the opportunity to testify on this measure.

CHAIR GUZMAN: Thank you. Members, any follow-up questions? Seeing none, thank you.

MS: KONG KEE: Okay, thank you.

MS. FLEMING: The next person signed up to testify is Dave Jorgensen, followed by Vernon Kapuaala.

MR. JORGENSEN: Good afternoon, Chair Guzman, members of the Council and Staff. My name's Dave Jorgensen, I'm appearing today kind of in a couple capacities but on EAR-43 primarily. I guess I'd say I'm here on behalf of the Adult Co-ed Soccer League that I formed 22 years ago and I'm the president of. First I wanna thank and commend the Parks Department, Acting Director Savage. You know, there's been a lot of good communication and conversation between the community of Park users, particularly sports teams and leagues with the Department lately. We've had a lot good dialogue about some new rules that are being proposed. So I really appreciate that. I do understand the issue that the UPW representative just raised because that's what we been told for years, when we've tried to help maintain the fields that we play on is that we can't do it because that's a union job, and, you know, we just can't do it starting back with Mayor Lingle. The problem is that, and it may be a funding, it may be a staffing problem, the problem is the work's not getting down. And the youth players, the adult players that are playing soccer, baseball, whatever activity are frequently at risk, because the fields are not in the condition they could be in. And if they're not actually in risk it's just that it is not as good an experience as it could be. With the Co-ed Soccer League, you know, we have several people in the league and I know in the youth leagues there's several parents who are landscapers who do this for a living and who would be happy to volunteer to work the fields, would be happy to donate equipment, the use of equipment, would be happy to donate supplies. Main thing we have is I'm useless and I don't know how to maintain my yard, but I can do manual labor if somebody tells me how to do it and just having people willing to go down there and be able to go down there would be real helpful, and as the proposed bill states it's to supplement not replace the County workers. The other comment that I had heard, we've heard a lot over the years is that you can't let x group adopt the field because then that group will assume they own the field, that

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they have exclusive rights. And number one, that's never been true and number two, the proposed bill does say in 13.030.50 a donation made under this Chapter does not transfer any right, title, or interest to the donor. And so concepts like that, that are in the bill I think safeguard against that. So thank you very much for proposing this, anything we can do to help we greatly appreciate it, and we look forward to being able to have, help keep the Parks as nice as they can be.

CHAIR GUZMAN: Thank you, Mr. Jorgensen. Any further questions or comments to the testifier? Seeing none, thank you very much. I'm going to turn to our District Offices. In Hana District Offices is there anyone wishing to testify?

MS. LONO: Yes, Chair. I do have Mr. Scott Crawford, here testifying on EAR-16, he is the Secretary for Na Mamo O Mu'olea.

CHAIR GUZMAN: Okay, thank you very much. Mr. Crawford.

MR. CRAWFORD: Aloha, Chair Guzman and Members of the Committee. My name is Scott Crawford and I am the Secretary for Na Mamo O Mu'olea, that is seeking the lease for the management of the Mu'olea property. I don't have any specific testimony today at this time but I'm just, I've been designated by our Board as the contact person for this lease application process, and so I'm just here to make myself available for the Committee Members if they have questions that I may be able to help answer.

CHAIR GUZMAN: Without any objections, Members, do have any questions for Mr. Crawford at this time? Without any objections would we, would you allow him to serve as a resource person if questions need be?

COUNCILMEMBER COCHRAN: No objections.

CHAIR GUZMAN: Thank you, so Ms. Lono can you have Mr. Crawford be on standby just in case we have any questions in regards to his capacity.

MS. LONO: Yes, Chair. Will do.

CHAIR GUZMAN: Okay, thank you. And I'm gonna go turn to Lanai District Office. Is there anyone wishing to testify, Ms. Fernandez?

MS. FERNANDEZ: No one waiting to testify on Lanai.

CHAIR GUZMAN: Okay. Thank you. And then on Molokai District Office, Ms. Alcon, is there anyone wishing to testify?

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MS. ALCON: There's no one here on Molokai waiting to testify.

CHAIR GUZMAN: Okay, very good. Thank you, we'll proceed back to the Chambers.

MS. FLEMING: The last person signed up to testify in the Chamber is Vernon Kapuaala.

MR. KAPUAALA: Aloha, Chair and Council Members. My name is Vernon Kapuaala, I'm here today on behalf of the Pono Soccer Club as well as the Hawaii Soccer Federation. I'm the Director of Soccer Operations for Pono Soccer Club as well as the president of Hawaii Soccer Federation. We with Hawaii Soccer Federation we run programming basically all year round on the soccer fields as well as have been trying to get into County gyms. And promoting and providing futsal which is a indoor version of soccer. On the Pono Soccer Club, first of all very much in favor of EAR-43, it's something we've discussed with Brianne and the Parks and Rec's Department several times and most recently in the last soccer meeting with the Department. Pono Soccer Club currently practices the majority of our kids which ranges from a 150 to 200 at any given time throughout the year. We currently use the space because it's not technically a field. We use the space which is located next to Hui Aloha Park, and behind the MACC, Maui Arts and Cultural Center. I say space because technically the County is not allowed to permit that space out. But because the County does not allow practicing on Keopuolani 4 and 5, we are largely based in the Wailuku area so I've asked for years now, four or five years now for the use of that space to train. As you may know, fields and open space area two different things, so where we practice not ideal at all for soccer. Lots of bumps, lots of, we got stones sticking out from the ground, we're running programming that involves children from 4 years old to 16, 17 years old. I recently in a meeting with the County on behalf of the league, suggested coming in and improving that area as a solution towards having more fields for us to permit and use for games and other programming throughout the year. I think we all understand we are sorely in need of soccer fields, and I understand we have all of the stuff that's been proposed, we had groundbreaking with the State and Shan and his thing, we have the Mayor with the 209 acres over here, I get it. For me it was trying to find a solution for the immediate. We've also been told by the County...

MS. FLEMING: Three minutes.

MR. KAPUAALA: We've also been told by the County on several occasions in wanting to donate goals and other equipment and efforts and even monies towards improving that specific area that I was speaking about next to Hui Aloha Park, and was told, you know, union job this and that da, da, da. I echo Dave Jorgensen's comments in that for me that's unacceptable, we need now, right now, and I'm and my organizations are willing to get involved, volunteer, adopt and go through whatever protocols are necessary to do this. I would also hope that in this volunteer program there will be some level of, I view it as a partnership more than, okay we going come in and do your job for you. That is also unacceptable and I say this because I currently already --

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MS. FLEMING: Four minutes.

MR. KAPUAALA: --have to take my, our own monies that we raised through registration fees to paint fields, to provide goals, and any of the other things that comes with the maintaining of those fields, lines, and goals. We've not ever been given paint by the County, we get told that we can only do lining for certain size fields and so on and so forth. So we are very interested, I stand behind the EAR-43, 100 percent and I hope we can actually get something done soon here, thank you.

CHAIR GUZMAN: Thank you, Vernon. Any follow-up questions from the Members? Seeing none, thank you for your testimony. Next.

MS. FLEMING: There's no one else signed up to testify at this time.

CHAIR GUZMAN: Okay, I'll check back with our District Offices. Ms. Lono from Hana District Office, is there anyone wishing to testify?

MS. LONO: The Hana Office has no one waiting to testify, Chair.

CHAIR GUZMAN: Okay, Ms. Fernandez from Lanai District Office, anyone wishing to testify?

MS. FERNANDEZ: There is no one waiting to testify on Lanai.

CHAIR GUZMAN: And Ms. Alcon from Molokai District Office, anyone wishing to testify?

MS. ALCON: There's no one here on Molokai waiting to testify.

CHAIR GUZMAN: Is there anyone in the Gallery wishing to testify? Seeing none, at this time without objections, Members, I'm gonna close Public Testimony.

COUNCIL MEMBERS VOICED NO OBJECTIONS.

... END OF PUBLIC TESTIMONY ...

CHAIR GUZMAN: Thank you, I also would like to acknowledge the presence of Chair Baisa, Good afternoon.

COUNCILMEMBER BAISA: Good afternoon, Chair.

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**EAR-16 NA MAMO O MU'OLEA – GRANT OF LEASE OF COUNTY REAL PROPERTY
(HANA) (CC 13-219)**

CHAIR GUZMAN: Members, we have a few Items on today's agenda, actually three of them. Starting with EAR-16 NA MAMO O MU'OLEA - GRANT OF LEASE OF COUNTY REAL PROPERTY (HANA). The Committee is in receipt of County Communication 13-219, from the Acting Mayor, transmitting the proposed resolution, entitled AUTHORIZING THE GRANT OF A LEASE OF COUNTY REAL PROPERTY TO NA MAMO O MU'OLEA, and the copy of the proposed lease agreement. The proposed resolution authorize the grant of a 5-year [*sic*] lease for \$50 per year, for approximately 73.259 acres in Hana, to the Na Mamo nonprofit organization for the purposes of managing, restoring, and maintaining the natural, cultural, historic and marine resources of the subject property. Members, I'm gonna go and turn to a time line and state that on the record. In 2004 the County received a Grant of 2,011,800 from the National Oceanic and Atmospheric Administration known as NOAA towards partial acquisition of the property. The Committee last met on the Item on March 18, 2014 and discussed several unresolved issues. At that time, the Chair requested the warranty deed that convey the property to the County be amended to reflect the source of funding for the land acquisition. Further the Chair requested the Department of Corporation Counsel to incorporate grant conditions imposed on the County by the grantors along with the other revisions into the proposed lease agreement. Since our last meeting, Members, it has come to my attention from NOAA that other grant award conditions need to be satisfied by the Administration. These include the installation of a funding acknowledgment sign on the property and the submission of a final progress and financial report. The National Oceanic Atmospheric Administration NOAA also requested an opportunity to review and approve the lease agreement. I'd like to now turn the questions or at least an opening comments from the Administration for the status updates of these matters. I'm gonna ask Mr. Medeiros from the Mayor's Office if he has any opening comments.

MR. MEDEIROS: Thank you, Chair Guzman. And good afternoon, members of the Committee. This lease and the project itself started as far back as 2002 and has transversed [*sic*] about four Administrations. We have been working on trying to meet the requirements of NOAA who is the grantor to the County of the money to purchase this property in the Hana District. Currently we're trying to meet the pre requirements described by Chair Guzman. Here this afternoon is Gary Murai from Corporation Counsel, who has been working on the legal side of matters, and I've been working on the other requirements by NOAA in order to meet and complete the file on this particular project. Also with us today if needed is Mr. Guy Hironaka from the Department of Finance, who's very knowledgeable in properties and lease, leases with the County, so Mr. Chairman, at this time that's the background on this project and I can refer to Mr. Gary Murai for more detailed comments as far as on the legal side if you prepared for that.

CHAIR GUZMAN: Okay. Thank you very much, Mr. Medeiros. I would also ask Mr. Murai if he has any opening comments?

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MR. MURAI: Yes and good afternoon, Mr. Chair, good afternoon, members of the Committee. The matters that I had been working on were getting the warranty deed amended to reflect the acknowledgment of receipt of Federal funds and also noting that the funds to which, with which the property was purchased also required that the deed reflect restrictions on the County's ability to convey or encumber the property. So we made the revisions, we sent the proposed revisions to NOAA for approval which and they did approve them; however, we discovered that this property's Land Court property and therefore to make the amendments we needed to petition the Land Court for the amendments. The petition has been filed with Land Court. What we don't have any control over is how long Land Court will take to review and hopefully to approve the deed revisions. Another matter that needed to be accomplished with Land Court was the filing of a notice of the grant. That's been done, however again same situation we've submitted the documents to Land Court with a filing fee, we just haven't gotten the filed documents back yet. The other matter is approval of the lease agreement. NOAA tells us that they are reviewing the lease right now, they have, they had a number of questions, so Mr. Hironaka, Mr. Medeiros, and myself and I have been doing our best to answer those questions, and we're just awaiting, you know, any other recommendations or conditions that they may want us to consider. So that, Mr. Chair, is a nutshell of where we're at. I'd be glad to answer any questions if you or the members have any questions for me.

CHAIR GUZMAN: Okay, Thank you, Mr. Murai. At this time I'm gonna ask Gary Hironaka if he has any comments from the Department of Finance. Seeing none, okay. I'm gonna open up the floor for any questions that the Members may have at this time to the Departments.

COUNCILMEMBER VICTORINO: Chair.

CHAIR GUZMAN: Yes Mr. Victorino.

COUNCILMEMBER VICTORINO: Well in fact, I'll let Mr. Carroll go first because he's, this is his District and he has some, I think something to add to this if you don't mind, Mr. Chair.

CHAIR GUZMAN: Okay, sure. Mr. Carroll.

VICE-CHAIR CARROLL: I didn't raise my hand high enough, that's why.

CHAIR GUZMAN: Sorry I...

VICE-CHAIR CARROLL: Thank you, Chair. Not a question really but I would like to make a comment at this time to the Administration. I appreciate and Hana and Mu'olea group and its president and its board members appreciate the attention that it's getting now. Like Mr. Medeiros said this has been 2002, I was one of the original ones that was active in forming a organization and getting the property, et cetera. We really appreciate the diligence that the Administration is showing now, and from the meeting yesterday I would say that in a short

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matter of time that we'll be able to satisfy the newer requirements, the County will be satisfied, NOAA will be satisfied, and then the legal department of course they have some other questions. I feel certain that we can answer those and by the next meeting hopefully we'll be able to address this. So I'd like to thank everybody that has been participating, thank you very much, the Mu'olea Group and the Administration, thank you and the Chair of this Committee.

CHAIR GUZMAN: Thank you, Mr. Carroll. Any other follow-up questions? Mr. Victorino.

COUNCILMEMBER VICTORINO: I think that pretty much answered my question. I mean in other words we're not ready to move on this so, you know, I'll wait for your disposition, but I think I'm think I'm pretty clear on what needs to be done. And I remember this when Mr. Medeiros and I were Co-Chairs of what we then called...the only time in this whole County's history that we had four Committees and two Co-Chairs and I worked on this also. Remember, Mr. Medeiros?

MR. MEDEIROS: Correct.

COUNCILMEMBER VICTORINO: And so I'm very familiar with this challenge and so whenever they're ready to bring it up and clarify it, I'd be very supportive of getting this done. Thank you, Mr. Chair.

CHAIR GUZMAN: Thank you. Yeah, thank you, Members, for indulging in terms of having this update. I think it's, this issue has been around for quite some time and there's such moving parts to it that we do need to keep abreast of it. That's why I do call these meetings for status update and it is helpful for the community at large to know that we are working on it. It's a difficult issue in which it's, it has Federal issues that are also involved in it as well as State requirements for filing as well. I have a couple questions for the Department and maybe Mr. Murai can answer these or Mr. Medeiros. Do you have a timeline or estimated time that we can expect this to be completed?

MR. MEDEIROS: Okay, Mr. Chair, as far as the timeline it's really challenging to place a specific timeline on it just because of the process for some of these items to be completed. However one of the things that has been brought to our attention was the placement of the sign on the property. Okay, I did bring copies for you and the Members and it's the green page there with the reading of the acquisition of Mu'olea Point was funded in part by a grant from the National Oceanic and Atmospheric Administration through the Coastal and Estuarine Land Conservation Program to the County of Maui. This property has been permanently protected for cultural preservation, conservation, and recreation. We were in contact with the Ms. Elaine Vaudreuil at the Office in Maryland which is connected to their main Offices in Washington D.C. and this wording was reviewed and edited by her to reach this final point. We have acquired the sign, we have had the sign made, and we are prepared to install the sign. The County property next to one of the Koali which is the area this Mu'olea is partially in is with the our Department of Water Supply. They

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have a pump station there that's well maintained and we thought that be a good area for it. However, because it's in this area, part of the protocol in order to install the sign is to call what is termed One Call where that goes into the process of identifying any subterranean utilities in the ground so that in installing the sign and the post it doesn't puncture through any utilities. So we are very prepared to do that, we are waiting for the approval of that one call and then we'll be able to install this sign. We're working with Na Mamo O Mu'olea and the Hana community because it's a great partnership between the County of Maui and this group in Hana that has voluntarily taken on this huge task of maintaining and taking care of that area, and the County of Maui, the Mayor appreciates them stepping forward, and this group is made out of people that are decedents of the people that lived on that Ahupua'a way back in old Hawaii. So they certainly have a really, you know, huge interest in maintaining this very special area which they call Wahi Pana which is a sacred area in maintaining it so that it can be perpetuated for generations to come. So we're prepared to take care that part of the requirements, and we have been in touch with the head Office of NOAA and we're working, you know, diligently with them to meet all the requirements so we can make their file whole and make it complete so everything can move forward on this particular project. Thank you, Chair.

CHAIR GUZMAN: Thank you, Mr. Medeiros. So estimated time would be maybe by the end of the year? Hopefully.

MR. MEDEIROS: As far as the sign, we're working on that so that --

CHAIR GUZMAN: No, no--

MR. MEDEIROS: --yeah, we can get it done.

CHAIR GUZMAN: In terms of the signage and the deeds coming back from the Land Court as well as the revised lease agreement --

MR. MEDEIROS: Yeah, I think as far as the Land Court --

CHAIR GUZMAN: --adopted.

MR. MEDEIROS: --yeah, Mr. Murai mentioned that there's not very much we can do to expedite the Land Court process except of what Mr. Murai did by submitting the documents that were required. So maybe he can answer that as far as the timeline on the Land Court.

CHAIR GUZMAN: Mr. Murai.

MR. MURAI: Actually, Mr. Chair, I'll try. I guess to be quite frank, I'm unable to venture a timeline; however, I do appreciate the patience of Na Mamo and the folks out in Hana. I do appreciate your patience with us. One thing that we will need to do is well I, in my opinion the single most

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important thing we are waiting on is word from NOAA as far as what changes if any they are going to make us, they are going to ask us to make to the lease. Suffice to say the resolution and proposed lease that is before the Council at the moment will probably need to be resubmitted, that's my anticipation, and of course once we are able to agree with NOAA on the changes that they may ask, I think we can resubmit in fairly short order. Again I'm taking a long time to say it. I don't know as far as a timeline.

CHAIR GUZMAN: Right.

MR. MURAI: But suffice to say and I do thank, you know, I do acknowledge Mr. Carroll's comment that and appreciate that the Committee realizes that we're starting to make progress after some --

CHAIR GUZMAN: Yes.

MR. MURAI: --some fits and starts, so I thank you for your, you know, encouragement along these lines.

CHAIR GUZMAN: Thank you. Yeah, I do acknowledge the work that you've, we've put into it. It is, like I said it's been very difficult issues to handle and resolve, a lot of the documents have been missing and we've had to backtrack. But in terms of the signage, I have a testimony here from Na Mamo, I think it's from Scott Crawford, the Secretary, regarding the signage it appears from the testimony that they've already put up a sign, so I guess the signage is attached as Exhibit, one of the Exhibit's here. I think it's Exhibit 1 but there's, members you have a photo of this and so I think in accordance with the testimony they are, there is some type of disagreement as to whether the Public Works signage should be installed versus the existing signage. Has that been worked out?

MR. MEDEIROS: Mr. Chairman, yes, we had a meeting, the Administration representatives and Na Mamo O Mu'olea with Mr. Crawford in attendance yesterday. And we talked about the sign and they would like to propose a sign that they have installed to be representative enough to meet the requirements of NOAA so that the County sign wouldn't have to be put up that we constructed. However, the final and financial, final progress and financial report that has been also required by NOAA, part of the requirements of that is that included with that report would be pictures and installment of the sign. So we cannot finish that report and submit it until the sign is put up. Mr. Crawford also said that their Na Mamo O Mu'olea organization has a meeting on Wednesday, August 13th which is their monthly meeting, and he's gonna present the board with the discussion we had on the signage. We're encouraging them to let us put up the sign that we have made since it's already approved by NOAA in the main Office and that will be accepted by NOAA as meeting the requirement of the sign being installed, and that way we can complete our final progress and financial report, and then when we're done with all of this then they're welcome to, or during this process when they meet, they're gonna also contact NOAA and given the evidence of what they have put up to see if it meets NOAA's requirements, and if it does we

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would welcome to remove our sign that we'll be posting. So that's where that stands right now and we're hoping to expedite that particular process.

CHAIR GUZMAN: Okay. Thank you, Mr. Medeiros. You mentioned a little bit about the final progress and financial report is that all that is left in fulfilling that requirement?

MR. MEDEIROS: No, we have a few more Items to complete in that, and I say again we're, we got information from NOAA for what was in their file and we have incorporated that in the report, but we also have been from the start of this process for this Administration trying to locate the files and information so that we can complete the rest of the report and currently we're working on that.

CHAIR GUZMAN: Okay. Thank you. Members any follow-up questions? Seeing none...

COUNCILMEMBER COCHRAN: Chair.

CHAIR GUZMAN: Yes. Ms. Cochran.

COUNCILMEMBER COCHRAN: I think, yeah, I glanced through is it the I guess conditions or something, a sheet that is somehow misplaced within the Administration that you just were talking about Mr. Medeiros. The lease agreement, details of or restrictions, I think of the deed or restrictions on the lease is there some type of...trying to find and I lost it.

MR. MEDEIROS: I think I'll, you know, try and defer that to Mr. Murai.

COUNCILMEMBER COCHRAN: I mean unless it's a Corporation Counsel executive session thing I don't need to discuss it.

MR. MURAI: No, it isn't, Ms. Cochran. As far as the restrictions or the covenants we have those, I'm not sure what else Bill needs to complete the report. But that's again suffice to say that's something that we are working with NOAA on, and I don't know what, where exactly Bill is on that, but I don't think there's anything that would need to be discussed in executive session.

COUNCILMEMBER COCHRAN: Okay, very good. Well, I'm glad to hear that, that it's not anything majorly serious, Chair. Because I know the work that the community has put into this and the organization and the malama and the kuleana they've taken on for this area has been awesome, and as the founder of the State Honolua Coalition, I know we did go to this entity to seek guidance and follow as role models, you know, into how to create community management practices and what have you. So they've done an awesome job here at Mu'olea and I commend them, and so hopefully we can get all our affairs in order along with the Federal entities that be to yeah, let them, you know, work forward in peace, have peace of mind and continue on their great work. So I just, that's just my comments in regards to this entity and they've been doing

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awesome work. Thank you, Chair.

CHAIR GUZMAN: Okay. Thank you, any further questions? Seeing none, I'm gonna turn to Hana District Office. Mr. Scott Crawford, are you still on standby?

MR. CRAWFORD: Yes, Mr. Chair, I'm here.

CHAIR GUZMAN: Oh yes, have you been in contact with NOAA?

MR. CRAWFORD: We have been in contact with Mr. Bill Thomas who's the head of the Honolulu Office of NOAA.

CHAIR GUZMAN: And are you in terms of the final progress and financial reports are you aware of any limitations or requirements that need to be met or information that has not yet been provided?

MR. CRAWFORD: No I'm not aware of anything beyond what Mr. Murai and Mr. Medeiros have indicated.

CHAIR GUZMAN: Okay and you do have a meeting set for the issue regarding the signage. How do you feel about that?

MR. CRAWFORD: Well we have, to reiterate, the written testimony. Right now the position of the Board of Na Mamo O Mu'olea is that we are opposed to signage being placed in directly on the Hana Highway in a publicly visible location, because we feel like it could draw unwanted attention to the property at a time when the management agreement still hasn't been formalized and the County doesn't have any set policies as far as access and management of the property. And so our request at this time is that we tried to seek approval from the Washington Office of NOAA for the sign that we have placed. We received a copy of the requirements for the acknowledgement signage, and we designed and located our sign in a way that we felt met those requirements, and in consultation with Mr. Thomas in the Honolulu Office we realized that the Washington Office is the one that needs to get the final approval but Mr. Thomas had worked with the Washington Office in other signage for some other projects in Hawaii. So his indication to us was that our sign would meet the requirements and would satisfy NOAA. So we went ahead and installed the sign at an informational kiosk that we have that's located in a place where anybody accessing the property would have to pass it and which is what was requested or required in NOAA's signage requirements. So at this time our request is that we try to see if we can get the Washington Office to approve our sign that we have already placed and that we hold off on placing the Public Works sign until we can have some further discussion on this. And I did in our meeting yesterday with members of the Administration I, you know, requested that and they agreed to hold off on placing their sign until at least we can bring this up and discuss it at our regular board meeting on August 13th. So that's the status of things right now.

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CHAIR GUZMAN: Okay very good. I'm glad to hear that you guys are getting on in a coordinated effort, and thank you, Mr. Medeiros and Mr. Crawford, for complying and cooperating. At this time I have no further questions for the...Members, do you have any questions for Mr. Crawford? Seeing none, at this time I'm going to without objections defer this matter.

COUNCIL MEMBERS: No objections.

CHAIR GUZMAN: Thank you, Members.

COUNCIL MEMBERS VOICED NO OBJECTIONS.

ACTION: DEFER.

CHAIR GUZMAN: Moving on to the next Item on the agenda. Thank you, Mr. Medeiros, Mr. Murai, thank you very much for all your hard work.

EAR-47 WAR MEMORIAL STADIUM FIELD COMPLEX IMPROVEMENT PROJECT
(CC 14-173)

CHAIR GUZMAN: Okay. Members, EAR 47 The WAR MEMORIAL STADIUM FIELD COMPLEX IMPROVEMENT PROJECT. The Committee is in receipt of County Communication 14-173, from Councilmember Don S. Guzman, relating to the War Memorial Stadium Field Complex Improvement Project. The Committee may consider the filing of County Communication 14-173 and other related actions. Members, I've, if you see on your desk, I have passed out a time line for your review and any other related correspondence regarding the War Memorial Stadium Improvement Project. Let me walk you through this time line. So on September 20, 2013, as indicated on Page 2 and 3, the Budget and Finance Committee C.R. No. 13-115 recommended an amendment for the Fiscal Year 2014 Budget by adding 920,000 appropriation for a grant from the State of Hawaii for improvements to the War Memorial Stadium. Specifically, the Deputy Director said that the grant will be used to replace the stadium's natural grass playing surface with artificial turf. On October 4, 2013, as indicated on Page 4 and 5, Ordinance 4066 was adopted amending the FY 2014 Budget appropriating 929,000 to War Memorial Stadium. On October 30, 2013 a pre-bid meeting and site visit to War Memorial Stadium was indicated and the interested parties attended. On November 7, 2013 as indicated on Page 6, the Request For Proposals, the bids for the War Memorial Football Stadium Synthetic Turf Installation was accepted. As referenced on Page 7, on January 31, 2014 contract No. C5458 was fully executed with Fukunaga and Associates for 135,400 for design. A time of performance for the contract was 240 days approximately, about 8.5 months. On April 20, 2014, the Maui News printed that the installation was delayed again until the end of the MIL football and Pop Warner season at the end of November 2014. On June 25, 2014, Maui News prints that

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the War Memorial artificial turf plan is scrapped. I have not had any communication with the Department in regards to what has been going on with the turf in...I guess my only notification as indicated in the newspaper was that a soccer coach notified me, and I was then, I then sent a letter as attached here on June 26th to the Department requesting an update. I did not receive a response to this date yet. So I put it on the agenda for any questions and answers and comments from the Department as to the status of artificial turf installation. So today we have Acting Director Brienne Savage as well as Jeff Ueoka from the Department of, I mean from Corporation Counsel here. If you have any opening comments we would be happy to hear those.

MS. SAVAGE: I guess opening comments in regard to I'm just reviewing through this time line here. As what happens with many of the Capital Improvement Projects within the Department, sometimes there is a longer process, there's a lot of information that changes along the way, and so sometimes information is not able to be, or not information but the Department isn't able to act on information or implement things due to information changing. This turf management project has been one of those. The first time that the project was actually put out to bid it was then pulled back and I would probably have to check with finance again for technical language, but there was some spec'ing issues, there were some language issues, so everything had to be again pulled back, reviewed, looked at again to identify, make sure that it was being again written properly so that if there was a contract it could be properly executed. During that time frame the conversation had been had and it could have been during the Budget and Finance Committee meeting, there was lots of concern from Council about insuring the quality of the turf. There's a lot of safety concerns, older turf versus newer turf, the different technologies that go along with it. So as reiterated multiple times to insure that whatever specs we were putting out was something that was going to last, was something that would be high quality even if it costs a little bit more, but to make sure that if we were going to do this transition that it would be something that worked very seamlessly, very smoothly and would not cause, you know, any safety or injury concerns later on. So through that process again we continued to review the concept of stadium synthetic turf. There was again the design contract was executed in January, and then at that point in time, originally the thought was that again the turf project would be done during the summer time, that was one of the initial time frames and look at it being completed prior to football season this year. Because the contract had to be, the contract was never actually executed because the bids had to be cancelled and the specs had to be rewritten, that time frame was not feasible, and so that would be when *The Maui News* article came out that the installation would be delayed. Around that same time we brought out a turf management expert to do some training for our Staff as well as to do some different consultation and review work at all of our different fields and facilities. We went and visited just about every field except for the one on Lanai and we didn't make it out to the two in Hana. But we went to all the rest of the fields and facilities: football, soccer, baseball, softball, including Molokai. And throughout that process and that time frame we spent with them again we reviewed all of the different, our active turf areas. Right now the maintenance program for all of the field turf is the same whether it's a passive piece of grass or it's more of an active playing field there's really not much difference when it comes to the Departments maintenance program, and so that's something in order to

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increase the level, the level of play as well as just making sure that the athletic fields, competitive athletic fields need to be maintained at a different level than just passive lawn areas. And so that was part of our intent with bringing out someone who's very specific and has a background and education base, based in maintaining competitive active turf fields was to get a better understanding of we can do to change and then implement into our operation so that we can maintain our fields at a higher level. As a part of that we had them take a look at the football stadium and we discussed at length what we were looking at doing with the artificial turf, and they begin to ask us some of the basic questions that would normally come up at the beginning of making a decision on if your gonna convert a field to artificial turf. And through that process it was kind of realized that whenever the decision had been made and I'm not exactly sure when or how that came about but a lot of those questions hadn't been asked, hadn't been answered, and those discussions hadn't been had to the fullest level that they probably should've been, you know, looking at what is the number of usages at the facility, what is the type of usage, what are some of the issues, what is it that's prompting the Department to wanna move towards artificial turf. And I can provide some examples for some of those types of questions that were reviewed, and at the end of that the what seemed to be the general consensus was that the reason that there was a desire for artificial turf was because it was felt as though the Department was not maintaining the stadium to the level that it should be maintained at. And so again in, at that point in time again we continued to review, about a month or so later the bids actually opened for the stadium turf project, and the low bid came out at 1.525 million, the high bid was 1.823 million. With that there was again \$90,145 that was expended out of the contract with the consultant for the design and the State had initially provided \$920,000. So at that time there would still have been needed about 700 -- \$750,000 would still be needed in order to execute that contract. The State monies were also slated to lapse on June 30th of 2014. One of the other items that was then discussed at that time was the need to be able, what is the difference of our stadium verses other stadiums. And one of the first is the current War Memorial Stadium is open just about every day from early in the morning 'til late at night there's a lot of other use than just the actual stadium use whether its early morning walkers, people coming in during the day, people running stairs, using the bleachers, a lot of the high school track teams practice, off season practice, more again anybody that just wants to utilize that track area, that track space. Because of that the stadium is not secured and if you have a turf field part of the warranty is gonna be making sure that there's not certain activities or equipment that's taking place on it that's gonna compromise that warranty. Some of that concern would be if the, if everyone can access this turf space on a regular basis and there is a tear in the carpet or rip in the carpet because someone walks on it with the wrong pair of shoes or there's vehicular access as well around the track area. If someone were to drive on it, bring on a piece of equipment that wasn't appropriate, all of that would or has the potential to cause us to lose the warranty on that. Which would then mean we would have to pay to repair and replace whatever portion or possibly all of it depending upon the damage, and if that was in the middle of a sport season that would completely eliminate the remainder of that season most likely to take place based upon again how extensive the damage is and needing to go through if it's...most of the time if there's, if there are warranty issues and damages to those types of turf facilities its gonna require us going

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back through the procurement process to make those replacements and those repairs. In addition to those different types of items looking at how is the facility secured, how is it utilized. We also started doing more research on the safety concerns, the nature of again artificial turf versus natural turf. And in going through that really found through analysis that there was a lot more positives towards having natural, a natural turf facility versus an artificial turf. Some of those are the again installation cost. The next is, you know, again just the safety for participants whether its temperature surfaces or bacteria growth, different chemicals that are found in the runoff. Sometimes there are environmental concerns with artificial playing fields with toxic runoff versus the natural grass, as well as just the oxygen release from the carbon dioxide when it comes to again just having natural grass verses artificial turf. The other concern is again just the removal and replacement costs. After, most likely after 8 years you would have to replace the turf structure, and so again as the Department did more research into probably some of the questions that should have been asked and should have been researched before the decision had been made to move to artificial turf, again a lot of these types of information surfaced. Yeah, some of the other I guess opportunities with the natural turf is, the Department does believe, we do believe that we can maintain the field at a higher level, and I think if you went and looked at the field right now, you would be able to see that. A lot of the comments recently have, you know, been at the field, looks similar to how it did and the best it has since it was originally rebuilt. Believe that was about eight years ago when the Hula Bowl came over and there was major renovations done to the facility. In addition to that because the renovations that were done eight years ago, the base underneath the field still remains phenomenal and we did look into that a little bit deeper with again what is the base, what is the subsurface, what does the drainage look like on the facility, and with a little bit of maintenance and different types of maintenance we can bring the turf up to again a much a higher level of quality than it was previously. So with that, yeah we had implemented again a ten-step process to try to renovate the grass area. What we're seeing right now, it's, it mean it worked, the program that we implemented worked, and we also have a program that we're getting ready to start to see if we can mitigate some of the normal wear and tear issues that typically go on during the usage of the field. Football season starts next Friday and the usage is pretty heavy running through February through soccer season and the Pop-Warner so that's really the heavy usage, heavy traffic time. So we're looking at again a different types of maintenance program that we're gonna test out and implement during this season and see if it minimizes the impact and again which was the initial reason and justification that I understand as to why artificial turf was being proposed or being looked at in the first place was to try to look at having a higher quality playing surface. Some of the other auxiliary things that were reviewed or discussed with this was the width of the current field for soccer. Currently you cannot get a wide enough field on the stadium because of the narrowness of the track as well as the pits that are on the side lines. And so some of the hope was that with artificial turf we would be able to reconfigure the location and be able to expand it to be wide enough to actually host regulation soccer. With that the widest we could get the field with the artificial turf was still only 62 yards, and the Hawaii State when we had reached out to find out about their regulation size and requirements for State high school soccer had indicated that they were looking at 65 even though 62 still falls within technical minimum widths, for a national level they were still

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looking at 65. Couple of the options that we've heard about but need to do further research into still is there's some different stadiums on the mainland where they actually can grow the grass by putting some type of and again I don't know the details of this but they are able to build the grass to grow out over the track areas so you could use that for a special event, you know, or a signature event if you were trying to bring in something larger or you could also possibly look at that for the duration of a season. And so that may be something that we'd like to look into further at what would the cost be for that. What would the possibility be and that may be a way that we could look at expanding that field to accommodate a regulation size soccer during soccer season. One of the other items is there has been discussion with in the rugby realm of the possibility of War Memorial hosting different international rugby events. One of the main reasons that rugby is interested is because it's a natural turf. And if you look at more professional level statistics, even major league baseball most of the, if they have an outdoor facility they have natural turf and a lot of that's just because of the quality of the play. You know, the trueness of the bounce, when it comes to baseball as well as, you know, just the injury factors and there's lots of statistics in all professional sports and even collegiate sports that show the benefit of natural turf versus artificial turf. So that's a very long introduction, I apologize but overview of all of the different, you know, thoughts and conversations on a very overview level that have taken place, you know, in the past few months. Thank you.

CHAIR GUZMAN: Thank you, Ms. Savage. Mr. Victorino, please.

COUNCILMEMBER VICTORINO: Thank you, and thank you Ms. Savage for that update. My question to you is very simple. Wasn't that, why wasn't that brought to us that these changes were occurring because we all sat here thinking we're gonna get artificial surface, you know, that was agreed upon, we budgeted money for it, and then like Mr. Guzman I think some of us in this room get a little perturbed to find out in the newspaper that there's been a change. And again I know you don't have to consult with us each and every day, I'm not asking for that, but something this major that we've waited for, for quite a number of years. I mean we started this process about 6 years ago when the first discussions came up. And by the way to correct you it's not 8 years ago we did the renewal, that upgrade on the field, it was much more like for 14 years ago when the Hula Bowl was here. The Hula Bowl hasn't been here for nearly 8 years. Okay, so let's leave that alone but I'm not happy because, you know, I don't like to be or the Chair have to write a letter to bring you in here to get an explanation. If you're gonna make a substantial change in any Department make a substantial change, a substantial change it would be kinda nice if we got wind of it before the newspaper got it or the public got it and that we understood why you were looking at changing instead of trying to go after the fact and now you're telling us why you did it. Not disagreeing, yes, I agree that when you talking natural turf versus artificial turf, safety, comfort, durability, yes, I agree wholeheartedly, you know, because it is tough to keep Astroturf up, but it's also very difficult to keep natural turf and we did put in a lot of money and effort when the, Mr. Toma came down for the Hula Bowl and spent all that effort and money. And we made it so beautiful, so, so terrific for the kids to use and our youngsters to use it. And it was because of the Hula Bowl, now the Hula Bowl's been gone a lot of, lot of years. In fact, I

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don't think they even, they don't even have the Hula Bowl any more, I forget what they call it now and it's held in Arizona, some all-star game or something like that. So that's long, long time ago but the key there is we did the improvements. But you came or the Department came and said hey, we're gonna put this turf in because we think it's going be more durable, more cost efficient, less hassle for us to take care of, and we can use multiplicity because soccer was also gonna be put in, 'cause you're gonna widen the field, so soccer State tournaments and other regular league games could be played. All of this was told to us and we bite, right. Said thank you, here's your money, State was gonna kick in 950,000, we're gonna kick in I forget the amount but whatever we had to kick in we were gonna kick in, and I did say at that time I hope you don't have to come back for more but if you do let us know. It's on record, go check the record. I'm excited, and then I read this in the paper. Why can't the departments and your Department or any department let us know before the newspaper or before coaches, or before leagues or before anybody else finds out and they're coming to us and saying hey, how come you're not gonna put in the artificial surface, how come your gonna put in, you know, this change that change? And I'm like I don't know, I call Mr. Guzman, he doesn't know, he's the Chair. I mean we feel pretty stupid to put it plainly. Today I guess I been on a rant, I don't know, man, must be my day, man, I'm just going after everybody. I apologize but it is frustrating. So what is the, what's the rationale of telling us after the fact, have to be called in when the substantial change has been decided upon?

MS. SAVAGE: I don't know that there's, I guess a specific reason necessarily for that. The, I'm guessing that it was kinda found out about, because we been regularly meeting with some of the different primary user groups to identify and make sure that we were keeping, trying to keep everybody in the loop as we went through the dialogue, because there were a lot of concerns with, you know, the track layout versus the soccer layout, versus football layout, who's gonna get priority, who's layout, you know, ultimately is gonna trump the others.

COUNCILMEMBER VICTORINO: Understood, yes, never, you're trying to satisfy multiplicity of sports in a small, confined area, understood.

MS. SAVAGE: So there had been multiple meetings with a lot of those user groups to make sure again that as we were looking at moving in again to the artificial, making sure that all of those different needs were being met. There was never, you know, as like an official announcement necessarily made or the Department saying as of, you know, we're officially not doing it, I think that there was, you know, again different discussions going on some people very supportive other people very much against, and, you know, at the time when the newspaper article was, you know, being run, at that point the Department was in the process of writing more of an opinion type of piece, doing an actual SWOT analysis that was intended to be distributed and use that to help communicate the information so that it was very clear as to what the thought process was, what was being reviewed. And again a lot of that information that I, you know, verbally communicated, that's the type of stuff that we were actually trying to do more research on and get further information, and then the intent was to put that information out. And I think after the

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article ran, it just, that document the importance I guess of putting out that document seemed to kind of fade to the back and so it was something that wasn't finished and transmitted. But I apologize and it should have been something that was still completed and sent out for distribution to all of you as soon as that, if not I mean it should have been before, but even after it ran, it should have been submitted very quickly afterwards.

COUNCILMEMBER VICTORINO: I do agree with that, I mean I think I would've appreciated instead of Mr. Guzman have to writing a letter and some of us also, you know, I was gonna write a letter but he said he's gonna do it so he's the Chair, I respect that, I let it be, you know, but to, you know, to wait to this point after so many iterations have come across our desk and this and that and everybody's upset and oh, you know, why aren't we, we don't have enough money, you know, and I've had people out there looking for more money private and public donations. I mean every, the money was the, it seemed to be the overlying issue, nothing about natural turf was better than synthetic turf that we can do a better job if we put the effort in. That was never communicated and if it had been I've think we'd of all appreciated it, both us here on the Council who do the fiscal request that you guys bring forward, that you and your Department bring forward and the public. The public needs to know, you know, they were upset like they didn't know, understand why all these changes and why we didn't have the money and why wasting money on something else. Oh wait a minute, I didn't even know what the challenge was, all I knew is that on the paper in the article money was the issue. Right Mr. Guzman?

CHAIR GUZMAN: That's correct.

COUNCILMEMBER VICTORINO: That's all we saw and in then, I think at that point a letter should have been written to the Chair, said, Chair, this is incorrect, I will be forwarding a report, please let the Committee members know. Then the Chair knew too, what next step to take. Anyhow, I'm sorry I'm in the scolding mood today, I don't know why, I just, I got up on the right side but I seem to have fallen back on the wrong side of the bed, I apologize for that, but this is frustrating, this is very frustrating, at least for me, and somebody's who's worked on it for many years, all thought it all had been said and done, I thought it was wrapped up and then bam, you know, you get slapped on the side of the head and said no, it's not and we're gonna go back to this because of that. If that was communicated in a proper manor I don't think the frustration would be so great. Mr. Chair, I'll stop there, enough narrations, enough questions I'll let other Members continue. Thank you, Mr. Chair.

CHAIR GUZMAN: No, actually I do appreciate your comments, Mr. Victorino, it's good you said that instead of me because you have a better way of toning it down, because if I were to address this issue I think I'd probably be a little scary about it. But anyways I do agree with that in terms of I remember just being first elected on the Council and I think it was in March of last year we had numerous discussions in this Chambers about artificial turf, and then all that I could remember was positive why we should have artificial turf, and then when it came up to budget of last year, we appropriated the 920,000 from the State as a grant. I believed that, that was gonna go through

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as well. I got a call from the Governor himself as well as the Lieutenant Governor asking what is the problem, do you need more money? I had, I thought we needed more money, so I said I'll look in to it and see if we need to get more money. But I never received a response back from my letter and so therefore I had to put it on the agenda. So I am clueless as to why we are at this situation now, I mean where was the process wherein you guys changed your mind not to have artificial turf, because it was this body that thought all along that's where the monies were going, so my question is what happened to the rest of the appropriated money? Is it still, has it lapsed or it, the 920,000, I know a portion of that was used for design but then it was canceled the contract, right, so is has that monies been ---

MS. SAVAGE: The State monies lapsed as of June 30, 2014.

CHAIR GUZMAN: June 30th, okay, any follow-up questions?

COUNCILMEMBER COCHRAN: Chair.

CHAIR GUZMAN: Ms. Cochran. Oh, Mr. Carroll.

COUNCILMEMBER COCHRAN: Oh, yeah, go ahead, Vice-Chair. Go-head Vice-Chair.

VICE-CHAIR CARROLL: Thank you, Chair. I think Mr. Victorino covered about everything on there. I can't think of anything, stone he left unturned. But I find it upsetting that when this Council passes and accepts a grant like this that was originally meant for Maui Memorial, the gym and which they could of sorely used to upgrade that gym, at that time there was no new information now before or after against artificial turf, against natural turf. If it had been brought up at that time, we could of had a very, very buffed-out War Memorial gym with that money, and that I find really upsetting and I hope that this Council is never put in a position to where we okay something like that, then we find out afterwards that the Department, what, who, whatever department it is starts having second thoughts. I think that's really inappropriate. Thank you.

CHAIR GUZMAN: Thank you, Mr. Carroll. Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. Wait, just to follow up on Mr. Carroll's comment. Money was originally for the gym not the stadium?

MS. SAVAGE: I have to verify what year, but yes, the reason that we, the reason that there had to be the budget amendment to accept the State monies was because the State had to change the monies, because whatever initial projects they were going to be funding with and it was gymnasium complex improvements had been determined that those projects were not going to be moving forward, and so then that money was going to lapse, and so then the State changed the language so then that money could be used for artificial turf instead. And then that's why we went through the budget amendment again, because I, and I'm not sure which year but I believe that the

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County had initially accepted those monies from the State to be used for War Memorial Gymnasium Complex improvements.

COUNCILMEMBER COCHRAN: And then in the end it lapsed. Anyways but so at the time, it says Deputy Director, that was not you at the time that was Mr. --

MS. SAVAGE: In 2013, yes, that was me.

COUNCILMEMBER COCHRAN: --Pat, oh, okay. Yeah, I mean, Chair, I think this is just another example that I had to go through in my Committee also, with Solid Waste Division in hearing changes that have occurred via the newspaper. Once again that communication there was some type of communication breakdown and then, you know, get comments from the public and then I gotta call Departments on to the floor to get the answers and everything vetted out. So it's, it is frustrating, I understand the frustration, you know, this is a different subject matter granted but, you know, it's unfortunate 'cause in the end I'm glad that the vetting out has occurred and that we've figured out, you know, which is better to do and put our efforts and monies into natural turf, natural versus artificial, that's great but in the end almost a million dollars is now, you know, lapsed, and so and we intended that things would've been moving right along and new, you know, facilities for our kids to play on and possibly national, global level playing and things of that nature. So we're kind, we're set back again, you know, so hopefully in the future we'll be able to get better communication and possibly before it even comes to this level during budgetary, you know, the process that everything has been vetted out very clearly, very detailed, so when we appropriate it's good to go and there's no back tracking and losing, you know, ground in improvements for this community and the services that we are charged to provide. So Chair, thank you, too bad, you know, it's frustrating we had to bring it about this way, but here we are and at least we got our answers and we're vetting it through.

CHAIR GUZMAN: Right—

COUNCILMEMBER COCHRAN: So thank you for that opportunity.

CHAIR GUZMAN: Thank you, Ms. Cochran. I just, I feel very disappointed that, you know, I believed that this was vetted out and I believed that this was on track, and so I, I'm at a loss of words, I, that there's you have to, I guess the Administration has to understand that we are here to help and that there can be lines of communication open, that if there was budgetary problems or we needed to switch a different project you could be open to communication for us, we're there to help solve these problems not to make hindrances of the Administration or bring them down. We're here as part of the community, we're the voices of the community, and so I believe that the turf was something that everybody in the community wanted and so when I'm faced with not having a response, I'm at a loss of words to apologize or to defend you or to reprimand. I don't know but I guess one question I have is how much money was subsequently spent so far on a project that never went anywhere?

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MS. SAVAGE: The design contractor was \$90,145 that had been expended.

CHAIR GUZMAN: Wow, okay, I have no further questions. Members, do you have any further questions? At this time I'm going to defer this matter.

COUNCIL MEMBERS: No objections.

COUNCIL MEMBERS VOICED NO OBJECTIONS.

ACTION: DEFER.

CHAIR GUZMAN: Thank you. Members I'm gonna take a short recess for anyone that needs to do their personal...

COUNCILMEMBER VICTORINO: Mr. Chair, before we take a recess may I say one more thing?

CHAIR GUZMAN: Yes, Mr. Victorino.

COUNCILMEMBER VICTORINO: And I want this heard loud and clear to the Administration and to the departments, hey, things happen, we understand, we make changes in this room every day, we make mistakes everyday here. I'm not too proud to say a mistake is made, let's correct it. I think Mr. Guzman and I and I think many of us is just saying let us know, that's all, let us know, and we can help you, we're not here to chastise, we're not here to spank you or even scold you, but if we don't know and the public hears something else, it makes it difficult for us to discuss the matter. Whenever I've gone to your meetings and you've explained things, somebody comes up to me, bam, Brianne, it's so easy to say no, the Department is doing this, this, this and they and it's oh, okay and that's the end of the story, is not knowing that makes it difficult. Again I don't wanna know every intricate detail but these are important details to understand why the change was. So in the future just keep that and I hope the Administration is hearing this, that's all we asking. Whether it's our post office, whether it's this, what is whatever, you make changes, hey, we okay with it, just let us know before somebody else finds out and then we're trying to backtrack at that point and trying to explain. We rather know and help than not know and get blindsided, that's all I got to say, thank you very much.

CHAIR GUZMAN: Okay members I'm gonna take a 5-minute or 10-minute recess. Thank you.
... (gavel) ...

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RECESS: 3:06 p.m.

RECONVENE: 3:27 p.m.

CHAIR GUZMAN: . . . (*gavel*) . . . The EAR Committee shall now reconvene. I'm going, Members, I'm gonna turn your attention to EAR-6, excuse me, EAR-43 the VOLUNTEER AGREEMENTS FOR PARK MAINTENANCE.

EAR-43 VOLUNTEER AGREEMENTS FOR PARK MAINTENANCE (MISC)

CHAIR GUZMAN: The Committee is in receipt of the following: Number 1, the miscellaneous communication, dated May 28, 2014, from the Department of, from the Deputy County Clerk, relating to the volunteer agreements for park maintenance: Number 2 the correspondence dated July 21, 2014, from Committee Chair Don S. Guzman, transmitting a proposed bill entitled A BILL FOR AN ORDINANCE AMENDING TITLE 13, MAUI COUNTY CODE, TO ESTABLISH A PARK VOLUNTEER PROGRAM. The purpose of the proposed bill is to establish a park volunteer program within the Department of Parks and Recreation. The Committee may consider whether to recommend passage of the proposed bill on first reading, with or without revisions. The Committee may also consider the filing of miscellaneous communication and other related actions. Members just for FYI, I plan to recommend no action on this matter but only to introduce this bill for discussion and for further amendments and just to bring it up so that we, we'll have this in Committee. It's a working document that as the union did come up and indicate that they're willing to work with us, that was my point was to bring this up into Committee first and to move forward with any revisions that you may see fit and to bring in all the stakeholders in crafting out this bill that works for everyone involved, the Department, the employees, the users, the volunteers, and the unions and the community as a whole. During the Department's February, March community meeting on the parks and playing fields permitting process, that was the, I think it was about yeah, March and February where the Department went to various districts to communicate and get input on their permitting process. I heard many, I heard from many users as well as Mr. Victorino was there at a lot of those meetings. A lot of the users including the league officials, coaches, players, and team supporters and basically their willingness to volunteer in the care and maintenance of the fields and the parks as they utilize. In addition I've received requests from community organizations including Job Corps wanting to give back to their community by way of adopting their neighborhood parks and contributing to the care and maintenance of the parks. During the Budget and Finance Committee recent FY '15 deliberations, discussions concerning the public's ability to volunteer their time and services to care and maintain the parks and fields and facilities occurred, and all of you were there during that discussion. Specifically Council Member Hokama referenced an example on Oahu where the community of Aiea had a park that included ball fields that fell below the level of maintenance and community desired. Council Member Hokama commented that our leagues and teams who have permits to use the fields had an interest in keeping the fields

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in the best shape possible, because ultimately they benefit directly from well cared fields. Another example he gave was on Kauai golf course providing the golfers in Kauai providing volunteers for weeding around the greens and tees while waiting for and before their tee offs at the public course. This is done in the spirit of I care about my facility so I want to do my little part every time I use the facility. In addition, during these discussions, Deputy Director Savage raised the donation process as required by Code for a donation of time or material over \$750 is a disincentive for a lot of the potential donors. As a result of these discussions, the Budget and Finance Committee recommended that this subject matter be transmitted to the EAR Committee for further in-depth discussion. Currently, Members, there exists numerous programs in this, at the State level for the adoption of many of our public lands, places, and departments such as the Department of Transportation's Adopt a Highway and Adopt a Harbor programs as well as the State Judiciary and Department of Land and Natural Resources volunteer programs. Reference in your packet that has been distributed is references of other jurisdictions that modeled and passed out in their various jurisdictions codified programs, and I reference Exhibit 2 which is a program out of New Jersey that was Adopt a Park Program, and that's their ordinance, as well as in Washington State in the island county parks, I'm also presenting the Members with their Adopt-a Park Program as codified via ordinance. In addition to that I have included the city of Corpus Christi in Texas and have provided all of the Members with their codified ordinance for adopting a park and landscaping provision, as well as we have the City of New York they also have a ordinance in regards to Adopt-a-Park Program. In addition to that, Members, we have a very similar program which I tried to model after which is in Oahu. They have a adopt a park or a partnership volunteer program in helping maintain the parks cleanliness and that is also provided within your packet as well. Although, theirs is not codified in Oahu, it is a policy that has been set forward. And in indicating some of the testifiers, they have said that, you know, every time we have a change in Administration they have to renegotiate their place in their park or their assignment. So this is a way, this ordinance is basically to solidify a process and procedures and how these volunteers will be working with the County and also uplifting the ability for the community to get involved. By the assignment of having a appointed volunteer coordinator, that person would be assigned to schedule the volunteers so that they do not overlap or displace any current employees. That would be under the ordinance the responsibility of the Administration to make sure that no employees are being displaced. But in any event we'll go head and get right to the matter and I can have everybody...all the Members, have you been able or had the opportunity to review the ordinance and if you need more time I can give you more time to do so. But in just, I can just in a nutshell refer you to Page 2 and the 13.030.30 will explain the program components. The program shall consist of three components: the Maui Park Volunteers Program, the Adopt-a-Park, and Gift Maui as follows: Number 1, Maui Park Volunteers shall provide opportunities for volunteers to clean up, reduce liter, improve grounds functionality, and enhance the beauty of the County parks playgrounds, playing fields, trail, beach and on an hourly, daily, weekend, holiday, or other short-term basis. Number 2, would be Adopt-a-Park shall allow volunteers to adopt all or designated portions of a County park, playground, play field, trail, or beach for the purpose of performing stewardship activities in the adopted areas on a monthly, quarterly, semi-annual or annual basis; and Gift Maui which shall

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provide opportunities for park donors to make donations to maintain, preserve, beautify, and improve County parks playing fields, trails, beaches in accordance with this Chapter. Number 3 is very vague and general in terms of donations. What I envision Number 3 to be and it can be worked out as well as the language and specificity is that a lot of times there are things that the County needs in some of the parks like new benches, new swings and that we could actually go out and under 3 could ask and put out as an advertisement or however it may be to request for these donations and for the donors to come forward and donate these various items that we need. Under...I'm sorry under the Federal IRS, those donations would be considered tax deductible under 26 USCA subsection 170 subsection C, charitable contributions defined. You can donate to a government entity, a government and to have those contributions be listed as tax deductible. So that would be for Number 3 would allow those kind of gifts to happen in maybe soliciting or generating some type of advertisement or offer to donate. People don't usually donate unless asked, so that's what that's all about. We have 13.030, .040 is the park volunteer coordinator that would be a park volunteer coordinator that would be appointed by the Mayor and also approved by the Council to serve for a term of five years. They would be in charge of managing the park volunteer program, reviewing the applications, as well as monitoring their progress and work schedule, or not really work schedule but their volunteer schedule, and also making sure that it doesn't overlap with any employee work schedules or displace or supplant the employees. So that was basically in a nutshell. There's other provisions in there, but they're a little bit more technical. As I said earlier, Members, this is an ordinance in the works, we can, we're working on it, it's not in its final version, it's very much so in its raw draft so I'm gonna go head and open up the floor for any comments. Mr. Victorino?

COUNCILMEMBER VICTORINO: Thank you, and thank you for bringing this forward. You know, I believe that, you know, let me give you some quick history as far as the whole issue of volunteerism in our parks. And I go back 35 almost 40 years now, that I've been an active coach, league leader, player, if you can call that what I've done. You know, but I was always better than Couch, but never mind, and one of the things that Maui did for so many years, that none of the other counties did was take care of the fields and including lining, netting for soccer, for baseball putting out the bases, lining the fields and everything. We this County did just about everything for every sport prior to it being played. And then when we hit some very difficult times back in the late, in the mid-2000s some of this all changed and Ms. Brianne was around about that time. You know, if Mr. Correa or one of the old-timers was here they could tell you, Mr. Matsui. That the County did everything, did just about everything, okay. But then it came economically difficult to do these things, and so we started to require the leagues both MIL, HYSA, Little League, I don't care what, they had to start lining their own fields and they had to do a lot of the other initial work. So you talk about adopt a park, bam that's exactly what we started, putting up some of their own netting for practice purposes, because when we use to leave nets up, right, Ms. Brianne, they used to get cut, stolen, guys climb on, rip it, eh, we spend an enormous amount of money replacing nets for soccer field and none of it was due to wear and tear but just plain human disrespect and there's some other words I wanted to use but I won't use 'em at this point in time. And so you have these issues now which I think have come about because many people

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feel that the Department is not doing their job. Well, I heard the speaker earlier, part of it is and I've been in this Chamber for eight budget sessions is cut, cut, cut. And let me tell you one of the departments that was cut the biggest, the hardest, Parks and Recreation. It was, go check the record, that ain't no exaggeration, that's fact, and so we get to this point where we want people to help us. I'm not opposed to that here, adopt a park, great idea but I have some very definitive concerns and let me start with 'em. You know, you sent out or you gave us all this litigation about liability, third party, and all that, but really what it comes down to is if Mr. Couch and I go out and do a field, grade it, plant it, grass it, get it ready to play, right, we did the work under the guise and guidance and policy set by the Parks Department, and some kid goes out the week its opened up and gets badly hurt. Guess what, we get sued, you're an attorney, you know, we get sued as a County and anyone who participated will get sued and that's a fact. It's not a matter of we right or wrong, but you opened that Pandora's Box that's number one, when you're talking maintenance and upgrades of fields and facilities, that's the dangerous part about that. I'm not talking help, go clean up the toilets, pick up rubbish, that, that's not what I'm referring to. But some people came in and said oh, we're willing to maintain the park, we're willing to do these things. Putting in new sprinkler heads. I don't care if they follow the County's direction. If they put in the wrong sprinkler head or if it doesn't work properly we get sued, they get sued. That opens a whole new definition of liability. You and I and a lot of us have sat in this room many times in the past doing what we call executive session and heard of some very unique situations and some of 'em came from our parks. It's really simple, you know, yet we have on this island some very, very good volunteers, Kihei has, Wailuku has, you know, the tennis courts, the tennis association have done great jobs in taking care of the facilities and we've been very thankful for that. That's why we don't charge them for the lights at night and all these other things because they've given back to us. And I'm not against giving back. But when I read your bill, there still leave a lot of doors open and I know you're gonna work on it and try to close some of these doors. But you never close, an attorney will tell you, you're an attorney, you never close every door, there's never a way you can be 100 percent guaranteed no way you can get sued. And that's the challenge I'm worried about is people have great hearts. The first couple two, three times people get sued, you gonna start people seeing people scatter and not wanna be a part of anymore. And that's what I don't want. So we've gotta really define it into what we do cannot and in my mind cannot put a opportunity for somebody to be put in harm's way, and so I mean there's some work that needs to be done on this. I'm willing to say I can support conceptually adopt a park but when you go and you guys mention adopt a highway, adopt the ocean, adopt this, adopt that, that's not somebody's gonna go play on that surface after it's done. Oh maybe somebody go dive in the water and if they drown they might sue you because you didn't clean the water enough, I don't know, you know, I mean, you know, we haven't had that happen. I shouldn't have say that, oh my god. But no we joke about stuff but really the reality is we're in a very litigious world, Mr. Chair, and you being attorney can understand this. So although I have many concerns on the bill and I think we have to vent it out --

CHAIR GUZMAN: Yeah.

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COUNCILMEMBER VICTORINO: --I think the concept is good asking for assistance and I like the part where you not supplanting jobs. Because I don't want the County or any Administration down the road to say oh, we've got all these volunteers doing our parks, we don't have to put caretakers any more there, we don't have to send anybody, we don't need Ka Lima O Maui, we don't need any of this. That would be a big disservice to our community, big disservice to our special needs, our intellectually challenged citizens. That, you know, you've seen the good work they've done and how they are so happy to do that for us. And so I'm concerned that in the guise of saving money and I don't want that to be the predication that we will do something like this. And in closing, you mentioned oh about putting in new swings, new playgrounds. Well that's another issue, if not done properly and somebody gets hurt, who's responsible. Again I have secured donations for our park up in Wailuku Heights to fix some of the equipment and the association gave money but they gave the money and the Parks Department bought the equipment and installed the equipment so there was no liability on our part.

CHAIR GUZMAN: Yeah I was referencing like if --

COUNCILMEMBER VICTORINO: If you talking just fixing...

CHAIR GUZMAN: --if you needed swings or benches then donations, we could solicit --

COUNCILMEMBER VICTORINO: Again do I wanna donate and somebody gets hurt?

CHAIR GUZMAN: --those donations , not the actual material itself but the monies that go along with it.

COUNCILMEMBER VICTORINO: And if you get the monies but you gotta clarify we're talking money --

CHAIR GUZMAN: Yeah.

COUNCILMEMBER VICTORINO: --monetary donations, not material, not somebody. And the last thing I'll say is somebody taking ownership because they donated the money, leagues, teams and I seen this happen where they put up something and they say well we get first use of it 'cause we put it up. I know your thing says it doesn't, but what it says here and what happens out there many times is very different, Mr. Chair. And that's all I'm saying about that. Been around 35 years, I've seen it all and I'm saying you don't wanna get communities or leagues bucking heads or opposing each other, because I put this up, you didn't. And I'm telling you even I don't care what words you put in, Ms. Savage will tell you that's not always possible. So again conceptually I like the idea, we do need to vent this out, a lot of challenges and I'm glad you brought that up, you acknowledged it, you know, it's a working document.

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CHAIR GUZMAN: Well, Mr. Victorino, I do have to let you know that it was referred to this Committee, that's why it didn't go to full Council so it's a nine-vote referral to this Committee so I did do my best to draft out a raw draft so that we can have discussion so that's why we're here. We're here to have a discussion on it. So--

COUNCILMEMBER VICTORINO: And that's why I wanted to, I threw out some of these real major points and I think you agree with a lot of those major points.

CHAIR GUZMAN: Right. Yeah, and we'll have Staff try to follow up on terms of the liability issues as well as...

COUNCILMEMBER VICTORINO: Okay, thank you, Mr. Chair, I appreciate that.

CHAIR GUZMAN: And I did supply information regarding some liability issues --

COUNCILMEMBER VICTORINO: Yes, you did.

CHAIR GUZMAN: --in terms of if a volunteer is actually considered under a public officer or employee under the State Statute, and there's an attached to that is an Attorney General opinion for Section 386-171 of the HRS. So that if we did have volunteers they would be covered under medical under County medical. So that was one area of liability I wanted to present so there's another issue that Mr. Victorino brought up which we will research. Is there any other comments from the Members? Yes, Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Mr. Chair, and thank you for bringing up this item. I have a little bit of a different experience than Mr. Victorino. At least I win in my games that I play.

COUNCILMEMBER VICTORINO: You didn't play much anyway, go head. You only refereed but anyhow.

COUNCILMEMBER COUCH: Yeah, you know we have a group that we've talked about in the budget called the South Hoaloha, the South Maui Volunteers Hoaloha `Aina, and they go out to a lot of the beach parks in Kihei and they're help, starting to build a trail with the approval of the Parks Department and the DLNR and at the same time working at each of the different parks and just doing extra stuff that the Parks caretakers can't to do 'cause they just don't have the time to do it. They're out there working their rear ends off all the time and there's just not enough folks to do that. So they go out, they do a lot of tree trimming, they do a lot of dune restoration, and dune walkovers, they've build according to in conjunction with the Parks Department dune walkover's, fancy, you know, all wood and painted and the whole nine yards, ADA accessible and everything and something that it would've taken our Department, you know, a long time to do just because of A, the funding and B, the where it is on the priority list, so these folks are out there doing it and they're doing it every Monday. They've also helped donate, you know, and

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the donation part, they at Kalama Park they've donated all the benches. We put couple benches every about two or three months with again in conjunction with the Parks Department and those are things people use all the time. Now somebody gets hurt on that I don't know what happens, that would be something for Ms. Sheppard to kinda chime in on, but I mean they get donations of that kind of equipment, they get donations of playground equipment, they get donations of, you know, ATVs and whatnot for the Police Department or the Parks Rangers to patrol the area so they get a lot of donations from people in the area. My concern with this bill is, you know, with this park volunteer coordinator and all the kind of red tape that we're adding to this, you know, they have one guy who's, you know, it's just a guy and his wife and a group of their friends that gets up to about 20 to 30 people at times. They say okay, we're working on this pathway essentially and also the beach parks and some sand dunes this week, look like the fences got broken so let's go fix those fences. And so their week to week it's different and until you get the e-mail, you know, on Tuesday for the next Monday's thing, you don't know where you're gonna go, so my concern is that if we put a lot of red tape in front of them that might kinda slow 'em down a little bit and these guys you don't want to slow down, they're all over the place and --

CHAIR GUZMAN: Right.

COUNCILMEMBER COUCH: --it's really a good work out too, 'cause you're really, you know, digging and pulling and cutting and putting posts in. So I like the idea that it's, you know, gonna be codified, and certainly on in this group's function, they're not usurping any kind of work that the Department does, because like I said at least on the South Side the Department's overworked right now as it is. So I see that they can work, I mean they're already working in conjunction with what's going on at the Department, and so I'd like this to be able to have some flexibility in there to allow something like that. It's a group that's been going for several years now and just moving right along, and if you ever seen any of the things over there it's pretty impressive some of the stuff that they're are doing. So I wouldn't like to have this dampen their enthusiasm.

CHAIR GUZMAN: Right, right, no I appreciate that, those comments. I think that what this bill tries to address is the issues that were brought up in the Budget and Finance Committee.

COUNCILMEMBER COUCH: Sure, and that was one of the reasons why we had that. Yeah.

CHAIR GUZMAN: Right and so I tried to draft as well of a document --

COUNCILMEMBER COUCH: Sure.

CHAIR GUZMAN: --as possible and that's why it's here. It can be torn down completely and rebuilt and I just wanted to give you guys a baseline to work with and hear your comments right out the gate so that we can start working on it or flush it , you know --

COUNCILMEMBER COUCH: Right.

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CHAIR GUZMAN: --it all depends, you know, but that was our assignment from Budget and Finance and here we are. Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. Yeah and I appreciate this, I think it's yeah, something that still needs work, but I'm glad that it's here for us to look at and you have, you know, a start on it. My, I guess I'll go through some of the questions that I do have currently as is in regards to beaches, you know, that would be in, I guess connection with DLNR 'cause the beach, you know, you say County parks so I imagine that the high tide mark and above --

CHAIR GUZMAN: Right.

COUNCILMEMBER COCHRAN: --where the lawns would be, and your, the swings, and, you know, the pavilions and what have you versus the beach would be sand, the ocean, the shoreline per se. So you know, your adopted area says public beach so that for me is like well where, you know, exactly what does that mean? 'Cause people go hey, you know, I wanna the sandy area I wanna adopt this. Well I don't think us, we as County have that jurisdiction to allow them for that. And also, you know, I like to look at this as to enhance the work already being done by Parks and Rec and the employees and not so much take away their jobs per se but and a supplemental type action, I think Mr. Jorgensen mentioned these words as supplemental and a partnership. You know, as Mr. Couch is saying, it's we all work together and give of time and energy and malama as we can but do it I guess for you in a more, you know, it's codified, so to speak.

CHAIR GUZMAN: Yeah. It's more formal.

COUNCILMEMBER COCHRAN: Right, it's more formal and we have parameters. Yup.

CHAIR GUZMAN: You have a coordinator to monitor what those organizations are doing and making sure that they're not overlapping the work of our employees.

COUNCILMEMBER COCHRAN: Right.

CHAIR GUZMAN: I mean that's was the formality of it. I know it causes a little bit more red tape but I think if we put more formality in it we would avoid overlapping jobs and making sure that we're not violating any union agreements and things like that --

COUNCILMEMBER COCHRAN: Right.

CHAIR GUZMAN: --so that's why I put in a volunteer coordinator but it could be scrapped...

COUNCILMEMBER COCHRAN: Yeah, no, no, I think it's excellent because we get comments I think from all areas of the island, West Maui, South Maui, you know, highly used by our visitors and

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our locals alike, but that a lot of it's lacking in certain areas. And yes, you know, I'm sure Department's doing its best that they can but it needs a little bit more, and here we are, we got people from the community here willing to step up so why not allow them. And the Gift Maui idea that is just the term Gift Maui --

CHAIR GUZMAN: Yeah.

COUNCILMEMBER COCHRAN: --so the public has a be a Gift Maui donor --

CHAIR GUZMAN: Yeah, right, right.

COUNCILMEMBER COCHRAN: --and is that...

CHAIR GUZMAN: Yeah. Exactly.

COUNCILMEMBER COCHRAN: And so 'cause I know the, I appreciate the tent that was given to Lahaina Aquatic Center that, you know, for the coverage there, that was a good donation, that was a gift and it was a pricy gift if we the County had to put out the money but we had wonderful generous donor and the community who gave that. And so yeah, we wanna be able to accept these things and not have to worry about liabilities or what have you. But the tent covering a cemented area by the pool is definitely no harm, and I think it was just to enhance the area for the kids and everyone who utilizes our pools. And knowing that it's a tax write-off. My other thing is your park volunteer coordinator, was your intension to have that as a responsibility for current E/P, someone within Department or create a whole entire person or that would just be a responsibility for an existing, you know, person cause now I'm looking at a budgetary number, too. Are we creating additional E/P here to be this volunteer coordinator person also, you know, maintaining website, creating these forms, I mean now you got a whole monitoring system --

CHAIR GUZMAN: Right.

COUNCILMEMBER COCHRAN: --created of course. Will it be tossed within the permitting? You know, so I mean again here we are we're trying just vet this out and discuss all aspects of it so I appreciate it but that was initial question in my mind. But I think overall if there could be some kind of tie-in to community service hours, you know, as a person who had to do like 400 hours of it, it was nice to have opportunities to give back to this community and also work off the hours that were given by the Courts. So if there's a way, I don't know if we do utilize some type of, you know, work kind of thing with our community service people that would be, you know, giving back, yet they're working off hours that are needed, mandated to them to do. But otherwise I think, thank you, Chair, for bringing this forward and it's a good start because again, it's my intension and I think yours too is never to take away from existing labor work, labor force, but to enhance it, supplement it, and build partnerships that we can better, you know, better our community there so. Thank you.

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CHAIR GUZMAN: Thank you. Yeah I'll have Staff follow up on terms of the definition of public beach. As well as, I believe it would probably be up to the body whether we're going to create a new position for the coordinator or not, you know, that's up for discussion and we'll probably have the input of the Parks Department.

COUNCILMEMBER COCHRAN: Oh, sorry and a real quick follow-up, and so I'd like to, you know, me and my cemeteries and I know that's in Public Works Department, which but I would like to move it into Parks, because it just seems a little more appropriate for me and if that does occur then hopefully, you know, people can, we can seek out volunteers to assist with that or even currently assist with current cemeteries regardless that it's in Public Works area. Because I know it's needed and I believe Mr. White's his hotel already does such services for a County cemetery as you enter into Lahaina in Puamana, and that's just something they've undertook for many, many years and I believe it's a great role model and, you know, that he set forward and was hoping others would follow suit but nobody has so, you know, I think if we educate and bring awareness that that's a need, perhaps we get people who'd step up to want to do it.

CHAIR GUZMAN: Oh yeah, and I think that the other provision that I mean that I foresee is that we have a lot of volunteerism going on right now, and to formalize it so that when Administrations do change they don't have to renegotiate their assigned duties or their agreements that they verbally have or things like that, we have something in place that is consistent that will have rules that are going to be created by the Administration, by the Department as it says in the ordinance. And they can be very nominal work, you know, as in picking up trash, you know, assigned by a Parks Department, but anyways it's all up in vetting discussion so. Mr. Carroll do you have any comments on what we have here?

VICE-CHAIR CARROLL: Thank you, Chair. Like you say we have volunteers. We've always had volunteer programs. We have volunteers make bus stops for school kids. We have them picking up trash by the road. We have individuals volunteering that aren't with any organization. Had one lady for years, I haven't seen her lately. She goes early in the morning by Paia goes all the way up to Kuau store, Hookipa picking up opala. We have all kinds of volunteers, Community Work Day Program sponsors a volunteer program. They have, they painted public toilets. They've done tree plantings. They've done all kinds of programs under the supervision of the Community Work Day that's ongoing, it's been there for years and I hope it's there to years to come. But what we're talking about is different. What we're talking about over here when you read all the, you know, what they're going to have, all the constraints, signing up and hard hats and equipment and everything. If you look at this it looks like a contract that we're hiring a company to do this. This is what would be in a contract for a company that we're paying for except we're not paying for it and that's the big difference. There are near 40 open positions in Parks. We the County and the Administration, the Council and the Administration have created a situation to where it's deficient as far as the maintenance goes and that's the complaints we're hearing, but it's a complaint of our making and we need to realize that because we are the one

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that cut back on the positions. Parks is expensive yes, because it's labor intensive it's difficult. We have decided that we are going to cut back and well, do what they can. Now the public has said hey, this not, we are not satisfied with this. We want to see some resolution. I just want to point this out to point to where everybody understands why we're today. We're here because we have not fulfilled our obligations to the public in maintaining the Parks that they use. It looks way too much like we are using the public instead of fulfilling our obligations to keep, make the Parks what they are. We're not talking about somebody just painting a toilet one time. We're not talking about some organization donating a bench or a table at a park. We're not talking about an organization planting trees for a windbreak one time and adding to the ambiance of a park. We're talking about a regular maintenance program that the parks is unable to do at this time with the personnel and the money they have. And that I find troubling, what we're trying to do is contract organizations and individuals as we would contract somebody that we're paying for and putting out a bid but not paying them anything. Now volunteerism is good, I've been a volunteer all my life and I've done almost all the things that we talked about. But I think I, we need to go with open eyes to where we're at. It's whatever happens in this Committee today we'll still have the volunteer programs that I talk about that I brought up, that's not gonna go away, we have good people outside there. They're gonna be cleaning the beaches down Kihei without anybody telling them to, nobody's gonna organize them, there's gonna be down there cause they know it's the right thing to do and they're doing it for their community. I don't know if this is the way to go. We had a volunteer organization, the County volunteers, what was the name of that now, and they organized activities like we're talking about, cleaning the park, tree plantings, ex cetera under their controlled conditions and it worked nicely, they had a lot of people come out. But this again looks too much like a contract that we're trying to contract volunteers to fulfill our obligation and I find that troubling. Thank you.

CHAIR GUZMAN: Thank you, Mr. Carroll. And Mr. Victorino?

COUNCILMEMBER VICTORINO: And, thank you. And, you know, each one of us as you notice brought up a different ambiance to your bill, and I wanna ask Corp. Counsel on the liability and couple other areas. But may I suggest this, this is another idea that as we were talking it came, we really have two different dynamics, my colleagues may laugh at this but there really is ocean and beach and County parks, there's really a difference between the two. Because most County parks many of them have usage by our children whether its playground equipment, whether it's sports facilities and all that. A lot of our beach parks do not have the same thing, they may have some playground equipment but they not always have baseball, maybe Kalama might be one of the few, right, Mr. Couch. But you go Kamaole and you go all that, there's really not a organized, maybe beach volleyball and, you know, that kind of stuff but I mean as far as organized fields and stuff like that. So you really have two different dynamics and so maybe I'd like to suggest this, if you're going to put something together, one relating to our beach parks so that groups like what Mr. Couch was talking about, the friends of Kanaha and other groups that are out there, that they can do these beach parks. Because there's less chance of some kid getting hurt because they're restoring [sic] the dunes and stuff like that, right. So I think that's

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something I'd like to maybe make a suggestion, maybe we have really should have two definitive agreements and I maybe Mr. Carroll, you know, this is what I would see. And those where you talking they would do any kind of work like maintenance of the park, you know, grading the field, putting in sprinkler systems, things of that nature which would be more where liability factors could be involved, maybe that be a separate entity, you know, you could still put it under the same but two different divisions. Just a thought, Mr. Chair, because I hear what everybody saying and, you know, that's great programs that they do out in South Maui, and I would not wanna inhibit them, I would not wanna put a lot of restrictions on them, 'cause they're doing a great job and I don't wanna put any restrictions as much as possible on volunteers. However for the safety and wellbeing when someone does something and if somebody gets hurt especially our children, our keiki then what happens, you know, so that's the difference, there's really a definitive difference between the two volunteerism groups that we're discussing today, you know, and again I like the idea, I think it's an idea that has come. But I'd like to ask Corporation Counsel on some of my liability concerns as far as work being done, as far as renovating or repairing, or doing something to the field, sprinklers or even putting in a batting cage and then something happens that, you know, I'd like to ask that question if I may, Mr. --

CHAIR GUZMAN: Yeah, you may, Mr. Victorino, I just I don't know whether that type of work is, that seems very heavy duty, I that's why I gave everyone a copy of the Oahu volunteer program --

COUNCILMEMBER VICTORINO: Well they adopt a park --

CHAIR GUZMAN: --maybe something that we can all look at and see in research to see what they do and avoiding some of that liability --

COUNCILMEMBER VICTORINO: Well, Mr. Chair, you heard the testifiers --

CHAIR GUZMAN: Yeah.

COUNCILMEMBER VICTORINO: --and so that's what started me thinking --

CHAIR GUZMAN: Right, right.

COUNCILMEMBER VICTORINO: --because they're talking about coming in and renovating and fixing our fields, you heard them, we could get landscapers to come in and now see so maybe the public's perception is not where you wanted this to go, so I mean we maybe that's where I'm concerned right now, yeah.

CHAIR GUZMAN: Okay, can I correct you one moment is like --

COUNCILMEMBER VICTORINO: Sure you can correct me.

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CHAIR GUZMAN: --it was because of the body of this --

COUNCILMEMBER VICTORINO: Understood.

CHAIR GUZMAN: --of the Budget Committee that put this subject matter in my plate, and so I crafted the best that I could to give you a raw based ordinance and if you guys don't like it, I have no problem in flushing it down but I'm just presenting it.

COUNCILMEMBER VICTORINO: I didn't say flush it but you asked for suggestions --

CHAIR GUZMAN: Yeah, yeah, definitely, and that's why we're --

COUNCILMEMBER VICTORINO: -- and I that's, I think everyone in this room tried to give you some ideas.

CHAIR GUZMAN: --that's why we're here, we're going to vet it out. And so we have a question to Corporation Counsel about liability issues and if you could present what you see, foresee or you can see as liability issues?

COUNCILMEMBER VICTORINO: And by the way, Mr. Chair, this is her first meeting so would she introduce herself, we'd like to welcome her.

CHAIR GUZMAN: Oh yes, welcome to the EAR Committee. This is Jerrie Sheppard, I know her very well, we used to work together in the Prosecutors Office, very good researcher in appellate I believe. Okay, Jerrie, do you have anything to say?

MS. SHEPPARD: Hi, hi, everybody, thank you, Chair, thank you, Members --

COUNCILMEMBER VICTORINO: Jerrie, can you speak in the mic.

MS. SHEPPARD: Yeah, oh, thank you, Chair, thank you, Members. I have been looking at this for several weeks now, and I have spotted just a number issues that are going to take a lot more review before I'm able to give you some really sound advice, issues that are very basic. I'm not trying to avoid your question but I don't really think I can address that question, because there's so many more basic ones that have to be addressed first was the, I have a lot more questions than answers --

CHAIR GUZMAN: Yes, please, so the...

MS. SHEPPARD: --but is the idea behind this supposed to be a volunteer position that the Mayor appoints or this supposed to be a funded employee?

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CHAIR GUZMAN: I believe that when I drafted I wanted it as a employee position, but that's up to the body, you know, I foresaw it as an additional employee position --

MS. SHEPPARD: Okay.

CHAIR GUZMAN: -- but it could go either way in terms of how the body votes it.

MS. SHEPPARD: I'll just tell you some of the basic information I've been learning as I've been looking into this, and if this is a paid position obviously the Mayor can't just appropriate money for a position, that has to go through the budget process, so we can't just create something out of thin air so that's one issue. The pay of that position, who would set that pay, at what level would that position be paid, where would the position be located? This talks about it being a Parks position but it also talks about the Managing Director making rules for whatever program comes up so that's a question. There are existing positions in County government that may fulfill some of these obligations. We have a volunteer coordinator program that has a website and does allow organizations to join with people who are looking for opportunities, the HandsOnMaui website does exist and we have a position there with a volunteer coordinator for that. She also puts on trainings and seminars and various things like that and marries opportunities with individuals who are looking for those opportunities. We also have in the Parks Department a volunteer coordinator position, so duplicating that kind of service, creating a new position, replacing it, transferring it between divisions, those are all questions that I have yet to answer. When work gets done, quality control, who would set the standards for the volunteers to perform, who would have to do the supervision of them if we have park caretakers working a 40-hour week then do they have to be paid overtime to work on the weekends when volunteers can actually be present? Those are more issues I need to look at. Whether we would let six year olds unsupervised work alongside other people, how do we make sure the people they are working with are of a character that is trustworthy? Those kinds of issues are definitely going to come up. I just read in the paper recently where a parent dropped their child off at a park and went to work and figured well, there's enough people around to kind take care of my kid while I'm gone to work, that's a big issue if they see workers out there doing work, what if somebody drops a child off and then whose to take responsibility for addressing that, that becomes an issue. The quality control actually of the work, one volunteer may think I do really good work and this is my work product, and somebody else may say that's not quality at or they may perform poorly and then there's rework that has to be done by the County, that's an issue. Is it cost saving to have volunteers do something what we might have to go in and undo or redo, and whether or not their work is substandard becomes one of those liability issues that we'd have to look at more in detail. Everything from requiring tetanus shots for people working with power tools to what happens if somebody brings a power tool to a volunteer work day and it's swiped or broken or something, who's responsible for replacing or repairing those? What do we do if hazardous materials are discovered or are used during a volunteer work session? The donation process, we already have a process for donations and obviously with the aquatic center that has worked. Whether the financial limit and alternatives, that's something I still need to look into. The recognition with

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plaques, we actually have under the Public Works Commission the opportunity to put commemorative plaques with people's names on it, but there's certain criteria so this is a little bit in conflict with that. Sorry I have, I've been working on it. At the coordinator position again something that maybe echoes a lot of what was said here by the testifiers today, UPW positions that might be impacted by having volunteers do UPW labor that we already have positions or gapped positions that need to do. I have more to look at that. The liability question is a huge one. Work performed of lieu Civil Service employees like Mr. Carroll was saying, you cannot just outsource a Public Worker's function, you have to pay attention to that. Whether the rules and reporting are going to assigned to the right place or not? I did pull a few definitions and some things that you might want to be aware of, in addition to what the Chair provided, Hawaii Revised Section 386-171, that talks about volunteer personnel and expenses that they may incur, but the volunteer defined there is a definition under Hawaii Revised Statutes Section 662D-1 a person performing services without compensation other than reimbursement for actual expenses incurred for a Governmental entity. The term includes the volunteer serving as a direct service volunteer. So we have organizations and we have individual volunteers. There is a scope of immunity, there are exceptions to that scope of immunity, waivers, how do you mitigate liability, those are all giant questions that I have questions and not many answers yet.

COUNCILMEMBER VICTORINO: Lucky I didn't ask too many questions.

CHAIR GUZMAN: Yeah, you asked the question, Mr. Victorino. So I let you sit through that.

MR. SHEPPARD: He said I was thorough, I'm thorough.

COUNCILMEMBER VICTORINO: That's a whole meeting in its own sense.

CHAIR GUZMAN: Yeah definitely, well before we conclude, I'd like to get a comment from the Department. Like I said, Members, this is all vetting right now.

COUNCILMEMBER VICTORINO: No, no, no, we're not...

CHAIR GUZMAN: The Department do you have any comments before we conclude?

MS. SAVAGE: Thank you, Chair. I guess I would just refer to some of the information, specifically the performance measures that are listed in our Fiscal Year '15 Budget. One of our goals this year is to improve proactive communication with key stakeholders within and outside of the Parks Department, and one of those was listed as trying to identify guidelines and parameters to create a Parks Partnership Program, and the goal date on that framework was for March of 2015. The reason for that being is first of all the Department needs to continue to address, you know, the current responsibilities that we have with our permitting process and our facility maintenance, and until we really get those two things figured out, working a little bit more properly, make them a little bit so that we're providing a better product to the community as well as providing a

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better customer service when it comes to the permitting process. After we get those two things figured out a little bit more as our number one and two priority then in conjunction with some of the training programs that we're currently working on trying to reestablish, we would be going to union consultation in order to implement those training programs. And part of that dialogue would also be then moving into looking at what other parameters might there be, what other gaps are there still within the Park systems, and what areas would we all be agreeable towards identifying this is where possibly we could again look to supplement what already exists with some type of partnership program. I will from a language perspective, the words adopt a park very strongly against adopt a park language just because of the mindset that comes with it, we want partnerships with people.

CHAIR GUZMAN: I don't think there's no adopt a park language in my ordinance, it's all volunteer program.

MS. SAVAGE: Okay.

CHAIR GUZMAN: Well I know it's more simplistic to say adopt a park but...

UNIDENTIFIED SPEAKER: You do.

CHAIR GUZMAN: Is there? Line two, oh yeah, yeah, that's right. I'm mistaken but the title is Park Volunteer Program.

COUNCILMEMBER VICTORINO: Sorry, I was just going to bring that up, thank you, Mr. Chair.

MS. SAVAGE: I think and so there's just a few and again it's little things, you know, like that don't initially don't think much of them, but we do deal on a daily basis with people feeling territorial about different park space and right whether it's because at one point in time they did something in that area or they did a beautification to it. You know, and it's not all negative but I'm just saying that when it gets to the point that we're having to deal with it in the Director's Office then obviously it has gotten to that level that it's not just, you know, that someone's done something and they want it to be for the betterment of the community. 'Cause at on the same token we do have a lot of volunteer groups and volunteer organizations that are currently actively working with predominately the different districts, usually the volunteer groups work directly with the different districts that they're in. You know, and finding again programs or mostly it's projects, finding projects that are appropriate for the use. So the Department definitely has a lot of concerns, but I do think that creating a program as long as all the parties are involved in the conversation from the beginning is something that can be attainable.

CHAIR GUZMAN: Okay, that's, I think that's good because it, at least we're starting that conversation that eventually in March of 2015 that concept of partnership, this could be ready by then I know

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in terms of being that vehicle to allow that partnership to happen, but, you know, in any case it's something...

COUNCILMEMBER COCHRAN: Chair.

CHAIR GUZMAN: Yes.

COUNCILMEMBER COCHRAN: Yeah, before we close, I know you wanna, thank you, yeah. In regards to your Gift Maui, I just wanna reiterate that we're, count, we are three islands so not just Maui --

CHAIR GUZMAN: Right, right.

COUNCILMEMBER COCHRAN: --but if other islands would like to gift --

CHAIR GUZMAN: I caught that.

COUNCILMEMBER COCHRAN: --then Maui Nui or Gift Maui County or I don't know what but just to make sure we incorporate other islands not just Maui. And, you know, there's a group in Lahaina where we put up those, people were calling them like they look like big cement Lego blocks or whatever over by the by Canoes off the highway and they're the fisherman, and so that little area they've been wanting to adopt it or take care, you know, create a more parky like feel for them cause they, that's where they love to go throw their fishing lines and you know kinda hang out at night and do their stuff. But so those are little areas where people feel, you know, being a strong stakeholder and sorta take pride in the area and wanna beautify it themselves, because they spend so much time there with their families and stuff. So hopefully we can think of things like that 'cause it's not technically I mean part of Wahikuli Wayside Park I don't think, but it's an area that do frequent and use similar to park uses. And I guess tomorrow I am meeting with a woman who has some type of 501(c)(3) who does West Maui beautification, wants to start doing West Maui beautification project, so I think all of these can be folded in together for that partnership and, you know, supplementing current work. But, you know, I think to Mr. Carroll's point, I agree with his frustration or actual, you know, different take upon this as in we have vacant seats, we have vacant positions in the Department itself, and the current positions or current workers, are they working up to par, you know, to their or maybe the skill sets aren't matching up with where they are or, you know, I don't know it's, could be changes within management itself, you know, as in skills and if it, is it morale, I mean I don't know. So there's I'm sure a lot of factors and moving parts to all of this to better our situation with our parks, so again, Chair, thank you, I've been mandated with a lot of items in my Infrastructure through, via budget and so thank you for pulling up --

CHAIR GUZMAN: Thank you.

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COUNCILMEMBER COCHRAN: --and getting a whole ahead of your items that were given to you.

CHAIR GUZMAN: Thank you, Ms. Cochran. And I assure you, Mr. Carroll, I will contact UPW to see if there's, some of these issues that were flushed out can, I can get a, we can share to the Committee, and if there is Administrative issues in terms of work, you know, vacancies of employees, things like that, maybe those are the things that need to be brought out and maybe we can refer that back to Budget and Finance Committee.

VICE-CHAIR CARROLL: Thank you, Chair. And we have several organizations that might be more effective instead of doing this ordinance, the Community Work Day Program which we fund, that could be funded a little bit more to hit some of the hot spots, we also have, County has a volunteer program that might be, that's in place, and there are other things that I think need to be considered before we okay this.

CHAIR GUZMAN: Oh yes, definitely and it's a work in progress or it's not a work in progress, so Members...

COUNCILMEMBER VICTORINO: Chair, before.

CHAIR GUZMAN: Okay.

COUNCILMEMBER VICTORINO: Yeah one more thing and I know you wanna adjourn and thank you very much again. Thank you for bringing this forward and spurring the discussion, you know, that's, that was fabulous and I think that's what this is all about, right. We bring items up for discussion purposes, we're not trying to throw blame on anyone party or another, but these are concerns that the public has brought to us and I think it's very, very important to vent and discuss it. I'll say two things, number one, Bri you guys have been doing a very exemplary job in repairing the restrooms, and I can talk about four restrooms in my area that have been repaired and cleaned up and they're wonderful now. I hear nothing but compliments. But I did mention to the users that you guys need to help keep it clean. I think it beholds us to remind the public that it's theirs not ours and they have to help maintain it so I think that's something very important. But going back to my statement earlier about segregating this with beach and playground or those kind, because we do different types and I'd like Corporation Counsel to answer those questions that I had about liability and people, you know, donating. 'Cause Mr. Couch said oh yeah, they donated ATVs and this and that to the beach parks. Well, that goes directly to the department for their use. If we do a swing or we do a jumping castle or something else, whatever it might be for our children is monetary enough if that's all we're gonna ask for or we're gonna ask for material, because there's sometimes people willing to give material and labor which could be donated. But those are some of the issues that I really need answers to, I think the public safety and wellbeing is very important, and I think she brought up a whole slew of things that I really didn't want to get into, but Corporation Counsel brought it up, so here we

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go, and but I thank you, Chair, you did a yeoman's job, there's no, I'm not discrediting what you brought up, I just wanna, you asked for my mana'o, I gave it to you.

CHAIR GUZMAN: Thank you.

COUNCILMEMBER VICTORINO: Thank you, sir.

CHAIR GUZMAN: I appreciate it. I just wanted, before we adjourn, just a quick shout-out to the organizations and the leagues that came to my Office in request for this type of volunteer program. Vern and Trisha from the Soccer Maui Futsal, Donna Willard from Hawaii Surfing Association Maui Chapter, Kalei from Maui Pop Warner Bronco League, and William _____, and Bob Upton from Job Corps., thank you for bringing this issue up and we are still in the process and we'll vent this through and we'll either way we'll, these issues have been discussed. So with that being said, Members, I will adjourn EAR Committee. Thank you very much.

COUNCILMEMBER VICTORINO: Thank you, Chair.

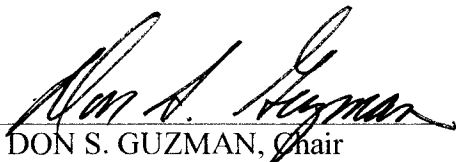
COUNCIL MEMBERS VOICED NO OBJECTIONS.

ACTION: DEFER.

CHAIR GUZMAN: Very healthy discussion. . . . (*gavel*) . . .

ADJOURN: 4:29 p.m.

APPROVED BY:



DON S. GUZMAN, Chair
Economic Development, Energy, Agriculture,
and Recreation Committee

ear:min:140729

Transcribed by: Jean Pokipala

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CERTIFICATE

I, Jean Pokipala, 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 20th day of August, 2014, in Wailuku, Hawaii



Jean Pokipala