



# MAUI COUNTY COMMISSION ON PERSONS WITH DISABILITIES

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## COMMISSION ON PERSONS WITH DISABILITIES

### MEETING MINUTES

**May 14, 2015, 12:30 p.m. to 2:00 p.m.  
Hale Mahaolu Elima Community Room  
11 Mahaolu St., Kahului, HI 96732**

#### **I. CALL TO ORDER**

Chair Laemoa called the meeting to order at 12:30 p.m. in Hale Mahaolu Elima Community Room located at 11 Mahaolu Street, Kahului, Hawaii.

Commissioners present included: Faraz Azizoltani, Kevin Souza, Mikey Tomita, Vivian Lindsey, Gabriel Johnson and David Courson.

Commissioners Andrew Valentine and Sheila "Mililani" Villanueva were excused.

Staff present included Jerrie Sheppard, Deputy Corporation Counsel and Nalani Podlewski, Secretary.

County staff present included DJ Schwind, ADA Coordinator; Tara Sabado, Recreation Specialist; Darren Konno, Transportation Specialist.

Guests present included Denise Green (sign interpreter), Brian Hansen, Victor Lesa, Jr., and Harry Johnson of Maui Economic Opportunity.

#### **II. APPROVAL OF MINUTES: April 9, 2015**

Chair Laemoa asked if any revisions to minutes were needed. None offered. Commissioner Azizoltani introduced a MOTION to approve minutes. SECONDED by Commissioner Lindsey. Chair

Laemoa opened discussion, none offered. Chair Laemoa called for the vote, all in favor, no opposition, MOTION CARRIED.

### **III. PUBLIC TESTIMONY ON AGENDA ITEMS AND COMMUNITY CONCERNS AS THEY PERTAIN TO ISSUES AFFECTING PERSONS WITH DISABILITIES**

None

### **IV. OLD BUSINESS**

- a. Discussion on Paratransit Transportation ridership, reservations and process:

Commissioner Lindsey shared that a proposed fare increase was presented by Budget and Finance Committee Chair Riki Hokama that affects all riders, effective July 1, 2015. Proposed rates are \$60/monthly pass all riders, \$30/monthly for low income, \$5 daily pass and \$3 single boarding pass. Next council meeting is May 26, 2015 at 10:00 am if you wish to testify to oppose. Email address for testimony: [bf.committee@mauicounty.us](mailto:bf.committee@mauicounty.us).

Chair Laemoa suggested that a letter in opposition to increasing fares be prepared to advise mayor and council, because increase in fares affects disabled riders who are on fixed income.

Commissioner Lindsey clarified that the issue is not presented by MEO or DOT, it is a council proposal from Riki Hokama.

Commissioner Johnson agreed with Chair Laemoa that a letter in opposition as a commission should be done and suggested that individuals may also submit testimony.

Commissioner Lindsey added that though they are issuing a discounted rate for qualified riders, this is a violation of Title 6 Civil Rights rules brought into law in 1964.

Commissioner Courson questioned if the proposed rate increase is in response to fiscal reasons; if commission recommends against an increase, what would be the result in

the financial shortage? He also commented that the commission would need to move promptly as this is coming up shortly.

Mr. Konno shared that proposed rates are \$60/month and \$30/low income for qualified riders; the criteria for low income has not been identified. Daily rides will increase from \$2 to \$3, and daily pass \$4 to \$5. There is no low income rate at this time; currently senior citizens, students and disabled persons fares are either \$25 or \$30. Mr. Konno added in response to Commissioner Courson's question about fiscal reasons that 80% of the bus transportation budget is subsidized by the County of Maui, mainly the Highway Fund, in addition to the General Funds. The proposal is suggested to have the riders take on more of the expense.

Commissioner Tomita asked for clarification on subsidy, if federal or state. Mr. Konno replied that funds are from county, though 80% funding comes from federal government for purchases; the operation of buses is 100% by county.

Mr. Schwind explained that if the proposal passes, it would lower income to the department for operating expenses of the program. Commissioner Lindsey responded that she has not seen any changes in the proposed budget in regards to this proposed increase. Ms. Sabado explained that it is a line item so you will not see it in the budget proposal as a proposed change.

Commissioner Lindsey added that there is no way that the department is able to qualify low income applicants in thirty days.

Chair Laemoa requested someone draft a letter for the commission to express opposition to fare hikes.

Commissioner Courson requested that the letter specifically stress how it is related to persons with disabilities. Chair Laemoa recapped that Commissioner Courson is stating that we should email on our own and get more information regarding this issue and take a stand at a later time.

Commissioner Courson responded that he is recommending that commission take a position as soon as possible as it pertains to potential rate increases to persons with disabilities, not general increase across the board. Commissioner Tomita expressed agreement with Commissioner Courson.

Chair Laemoa recommended that they take an opposition stand quickly because persons with disabilities have fixed income and cannot afford a fare hike like this.

Commissioner Johnson added that there is an overlap with disabled, student and fixed income; if statement is made, persons with disabilities should be prioritized over senior citizens and students. Chair Laemoa agreed. She requested that Commissioner Lindsey write a letter for submittal to Nalani to put on letterhead. Commissioner Lindsey agreed.

Chair Laemoa asked Corporation Counsel for clarification on procedure. Ms. Sheppard responded that a motion and second needs to be done. Chair Laemoa asked if all commissioners agreed with the motion. Commission Courson noted a point of clarification that the letter be limited specifically to persons with disabilities. Ms. Sheppard stated that if she understood the motion correctly the letter would be drafted to County Council Budget and Finance Committee. Chair Laemoa added that it will be specifically in opposition to hikes in fare by the Commission on Persons with Disabilities, unless including persons with disabilities as qualified for a lower rate.

Chair Laemoa asked Corporation Counsel for clarification on procedure since deadline is near. Ms. Sheppard advised that Commissioner Lindsey can draft letter, Chair Laemoa can review and sign off if the body agrees to that process. Commissioner Courson questioned if it required a motion and confirmation. Ms. Sheppard responded yes.

Commissioner Courson submitted a MOTION, SECONDED by Commissioner Johnson.

Chair Laemoa recapped the MOTION that a letter will be drafted by Commissioner Lindsey for submittal to Nalani; Nalani will submit it to chair to sign off on behalf of the commission, making sure persons with disabilities are highlighted in the letter.

Ms. Sheppard questioned when Chair Laemoa's term ends. Chair Laemoa responded that term ends today with election of new officers. Commissioner Courson suggested that body approve Chair Laemoa to sign letter. Ms. Sheppard responded that any transition should be effective today.

Mr. Schwind reminded all that the procedure is to draft letter and approve; then it is sent to the Director of Department of Housing and Human Concerns for submittal to the mayor; because the commission is advisory to the mayor. He recommended that based on time, commissioners should address their concerns individually directly to council. Ms. Sheppard reminded commissioners that any appearance at council is as an individual and not as part of the commission. Ms. Sheppard suggested that the letter be drafted today at the meeting for acceptance, chair approve it and Nalani could finalize it today.

Commissioner Courson presented an AMENDED MOTION to include that the letter be drafted at this session, approved for vote to the board today and the letter be submitted. Chair Laemoa called for vote, all in favor, no opposition. MOTION APPROVED.

- b. Public Works input re curb cuts and lack of sidewalks fronting the Kahului Fire Stations:

No representative present. Ms. Podlewski reminded Chair Laemoa that no correspondence was sent to Public Works. Chair Laemoa deferred item.

- c. Lack of access fronting Lanai Post Office:

Commissioner Johnson reported that the issue is the size of the bus. DOT Director Johnson agreed to ship a mini-van but

shipping cost needs to be budgeted. Commissioner Johnson will follow up by contacting Young Brothers to request waiving shipping fees for handicapped van.

d. Emergency Communication: 911 system

Commissioner Tomita requested item be postponed. Chair Laemoa agreed and deferred item.

e. Sub-Committee Report on Emergency Preparedness: Shelters

Chair Laemoa deferred this item.

f. Lack of disabled or handicapped access at Papalaua Beach Park, West Maui

Commissioner Tomita shared that he provided pictures in the packet, which were distributed to attendees. He suggested that this item be deferred to next meeting. Ms. Sabado advised that since she was present she would prefer to discuss today. Chair Laemoa agreed that item should be addressed.

Ms. Sabado shared that currently there are beach access guidelines before the state legislature; once adopted by the state, the county will be creating transition plan. Last transition plan done by the department was for community centers and high frequency use areas. County campsites, Kanaha and Papalaua will be addressed using the state's new beach access guidelines.

In response to photo of flooded area, Ms. Sabado advised that this is an irrigation issue that is usually addressed after each storm. As for the portable restroom, Ms. Sabado will follow up with contractor to place in a more accessible area. Commissioner Tomita asked if it would be easier to remove the root of the tree. Ms. Sabado advised that that would involve a process with arborist consultation; easiest solution would be to provide a more accessible location. She added that other issues in photos are custodial and will be addressed right away.

Mr. Schwind added that Department of Justice recently issued public recreation area ADA recommendations and the county is working to address these areas. Ms. Sabado shared that Parks staff is sitting on the DCAB board to be sure that Maui County is represented since Maui is considered 100% rural. Commissioner Tomita requested if Mr. Schwind could provide a copy of the guidelines that he is referring to. Mr. Schwind agreed to provide a copy to the commission.

g. Lack of sidewalks in Lahaina

Commissioner Azizsoltani stated that he provided photos of areas in Lahaina in which many of the crosswalks cannot be seen, the double solid lines are faded and there are no signs as you approach the sidewalks. He also noted that a stretch of railing between Cheeseburger in Paradise and other stores is rotted, thus a safety concern. Commissioner Tomita asked who is responsible. Commissioner Azizsoltani also noted that flooding alongside of roads is also an issue in front of his home. Chair Laemoa suggested that commission figure out who owns area and bring to their attention.

Mr. Schwind requested that Commissioner Azizsoltani email photos to him so he can get proper response.

Chair Laemoa deferred item to next meeting.

h. Parks Department ADA Improvements Update

Ms. Sabado asked if report was distributed to commission. Ms. Podlewski responded that the report was provided at last meeting. Ms. Sabado asked if there were any questions regarding the report. No questions presented by commissioners.

i. Lack of ramp access to dog park at Keopuolani Park

Ms. Sabado distributed a letter from their Planning Division sent by CIP Coordinator in response to the questions presented.

Chair Laemoa explained that it is an accessibility issue from the street to park and from dog park back to the street. Ms. Sabado responded that there is a ramp from the street; she requested a copy of the photo. Ms. Sabado explained that the CIP coordinator's letter did identify that there is no requirement for access to the grass area, because grass is not considered an accessible pathway; the pathway to get into the dog park addressed accessibility. She added that if the commission or community member is asking for a transition platform from the grass to the concrete then that is something that can be looked at as an accommodation. In regard to the slope of the grass, she noted that ADA guidelines on slopes do not apply to grass; with grass, erosion naturally occurs. Ms. Sabado indicated that the department will consider an accommodation request. Commissioner Tomita questioned what type of grass is used, perhaps thicker grass could be used. Ms. Sabado responded that she can take suggestion that back to department.

Chair Laemoa postponed to next month's meeting.

## **V. NEW BUSINESS**

### **a. Election of Officers**

Chair Laemoa opened nominations for Chair and Vice-Chair.

Commissioner Johnson asked what the duties of Chair and Vice-Chair are. Chair Laemoa responded that is to make sure the meetings are conducted appropriately, meet the criteria of the county and hear from the public.

Ms. Sheppard read Maui County Code Title 2, Articles 2.32.040 Powers, duties and functions and 2.32.050 Meetings, which pertain to the Commission on Persons with Disabilities. Ms. Sheppard indicated that she did not see any rules but there may be another section in the code that specify the length of terms of the commissioners.

Ms. Sheppard asked Chair Laemoa when her term ends. Chair Laemoa responded that she did not have the information. Ms. Podlewski responded what year each commissioner's term expired. Question presented as to what the term limit of officers were, one or two years. Ms. Sheppard advised that she does not find any rules on tenure on the position. As a default, someone's name could be put forward as a nomination for vote.

Chair Laemoa questioned if anyone wanted to affirm her as chair. Commissioner Lindsey responded that she does, all commissioners responded yes. Chair Laemoa recapped that all commissioners wished to affirm her as Chair. Ms. Sheppard questioned if this was for a 12-month term, all replied yes with no objection.

Chair Laemoa requested nominations for Vice-Chair. Two nominations were made and seconded: Commissioner Lindsey and Commissioner Johnson. Chair Laemoa presented MOTION to close nominations, all in favor.

Chair Laemoa called for the vote by show of hands. For Commissioner Johnson - 3; for Commissioner Lindsey - 2; Chair Laemoa stated that Commissioner Johnson is voted in as Vice-Chair for a one-year term. No objections.

Chair Laemoa called RECESS at 1:37 pm.

[RECESS ]

Chair Laemoa reconvened meeting at 1:45 pm.

Chair Laemoa advised that drafting of the letter regarding opposition to bus fare hike previously discussed is still in progress and that they would be using some of the language and format from a previous letter dated 2/4/2013. She passed around a copy of the letter to all commissioners to review and requested comments.

Commissioner Courson indicated that he is concerned that paragraph 2 references senior citizens and students; he

recommends that the letter should be limited to the persons with disabilities. Chair Laemoa asked if everyone was in agreement; all responded yes.

Commissioner Lindsey added that the students need to be left in since a lot of students are on low income, you cannot omit them.

Commissioner Courson requested that Chair Laemoa call for a vote to keep focus on persons with disabilities. Chair Laemoa called for the vote, all in favor, no opposition, MOTION PASSED.

Ms. Sheppard suggested to Chair Laemoa once the letter is completed, a copy be sent out to all commissioner members electronically by Nalani. All commissioners agreed they would like an electronic copy of the final letter.

b. Review of Emergency Prep Checklist

Chair Laemoa deferred item.

**VI. AGENDA SETTING** - Topics suggested:

a. Aloha Independent Living

Chair Laemoa shared that agency requested to do a presentation at next meeting.

b. Kalaupapa General Plan

Chair Laemoa has been in basic communication through community meetings that have been held. She would like to provide update as it pertains to persons with disabilities.

c. Training for all commission members

Ms. Sheppard will check if Deputy Corporation Counsel Joesting will be available for next meeting.

d. American Sign Language pamphlets

Commissioner Tomita would like to request copies of emergency sign language pamphlet for Police, Fire and EMT staff that show basic survival signs.

**VII. ANNOUNCEMENTS**

- a. Next meeting on June 18, 2015, 12:30 p.m. to 2:00 pm at Hale Mahaolu Elima Community Room.
- b. Commissioner Tomita shared that the state legislature passed a bill requiring all public theaters to provide caption on films effective January 2016.

**VIII. ADJOURNMENT**

- a. Chair Laemoa requested to adjourn meeting. MOTION introduced by Commissioner Souza. SECONDED by Commissioner Azizsoltani. Chair Laemoa adjourned the meeting at 2:00 p.m.