

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

M I N U T E S

Council Chamber

December 15, 2015

CONVENE: 1:30 p.m.

PRESENT: VOTING MEMBERS:

Councilmember Don S. Guzman, Chair
Councilmember Elle Cochran, Vice-Chair
Councilmember Don Couch
Councilmember Stacy Crivello (excused from 2:11 p.m. to
2:21 p.m.)
Councilmember Riki Hokama
Councilmember Mike White (arrived at 1:45 p.m.)
Councilmember Michael P. Victorino (arrived at 2:11 p.m.)

STAFF:

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.:

Jerrie Sheppard, Deputy Corporation Counsel, Department of the
Corporation Counsel
Brienne Savage, Deputy Director, Department of Parks and
Recreation

OTHERS:

Jerleen Bryant, CEO, Maui Humane Society
Plus (1) other person

PRESS:

Akaku Maui Community Television, Inc.

**EAR-42 ESTABLISH CHAPTER 13.04A, MAUI COUNTY CODE, RELATING TO PARKS
AND RECREATIONAL FACILITIES, AND AMEND SECTION 6.04.090, MAUI
COUNTY CODE, RELATING TO ANIMAL CONTROL OFFICERS (CC 15-237)**

CHAIR GUZMAN: . . .(*gavel*). . . The Economic Development, Energy, Agriculture, and
Recreation Committee shall now come to order. My name is Don Guzman. I'm the
Chair of the Committee. Before we begin, may I ask everyone to please silence your

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cell phones. I'm going to introduce our Members for today's meeting. We have Elle Cochran, our Vice-Chair of the Committee.

VICE-CHAIR COCHRAN: Aloha, Chair.

CHAIR GUZMAN: Good afternoon. Don Couch.

COUNCILMEMBER COUCH: Good afternoon and aloha, Chair.

CHAIR GUZMAN: Good afternoon. Stacey Crivello.

COUNCILMEMBER CRIVELLO: Aloha, Chair.

CHAIR GUZMAN: Good afternoon. And Mr. Riki Hokama.

COUNCILMEMBER HOKAMA: Chairman.

CHAIR GUZMAN: Thank you. Also excused is Mike White and Mike Victorino. We will begin with the introduction of our Committee Staff. We have Sharon Brooks, our Legislative Attorney, as well as our Secretary Pauline Martins. For our Department, we have Brianne Savage as our Deputy Director of Parks and Recreation, and Corporation Counsel Deputy Jerrie Sheppard. I'm gonna check in with our District Office. In Hana Office, are you there?

MS. LONO: Good afternoon, Chair. This is Dawn Lono at the Hana Office, and there's no one waiting to testify.

CHAIR GUZMAN: Thank you, Ms. Lono. And on Lanai Office, are you there?

MS. FERNANDEZ: Good afternoon, Chair. This is Denise Fernandez on Lanai, and there is no one waiting to testify.

CHAIR GUZMAN: Good afternoon, Ms. Fernandez. And on Molokai?

MS. ALCON: Good afternoon, Chair. This is Ella Alcon on Molokai, and there is no one here waiting to testify.

CHAIR GUZMAN: Thank you, Ms. Alcon. And I'm gonna check in with our Chambers, is there anyone wishing to testify?

MS. BROOKS: There are no testifiers in the Chamber.

CHAIR GUZMAN: Thank you. Members, at this time, without objections, I'd like to close public testimony.

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COUNCILMEMBERS: No objections.

CHAIR GUZMAN: Thank you. Thank you, ladies, in the District Offices. Okay, Members, turning to our first and only item on today's agenda, EAR-42. The Committee's in receipt of the County Communication 15-237, from the Budget Director, transmitting a proposed bill entitled A Bill for An Ordinance Repealing Chapter 13.04, of the Maui County Code, and Establishing a New Chapter 13.04A, of the Maui County Code, Relating to Parks and Recreational Facilities, and Amending Section 6.04.090, of the Maui County Code, Relating to the Animal Control Officers. The proposed bill is to repeal Chapter 13.04 relating to the Recreational Area Regulations and establishing a new Chapter 13.04 of the Maui County Code. At our last meeting, we completed the first review of the Department of Parks and Recreation's proposal overall of Chapter 13.04, Maui County Code, regarding the recreational area regulations, and the enforcement powers of the Animal Control Officers. Today we will examine an update revision...version of the comparison matrix that we asked the Deputy Director to prepare, incorporating all of our prior suggestions and some of the options developed by the Parks on certain sections. As we go through the matrix, I will stop at each section for comments and suggestions, and at the end I plan to defer this so that the Staff can prepare a final version of the bill for our consideration at the next meeting. Ms. Savage, would you please go ahead and proceed with the matrix? So, Members, just as...before Ms. Savage begins, we're just looking at the middle column where it says "Changes." So as we went through the first phase of it, basically went through the entire new chapter, I had asked Members to make suggestions or put forth their concerns on the conditions and provisions. And so we had documented those and put it in the middle section. So now we're gonna back and review those middle sections, either we're gonna go with your suggestions, or I had instructed the Department to come up with language that would accommodate or at least give us some options at this point. Yeah, Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And just for...to set...to get on the record, you got the Communication 15-237 from the Parks Director, right, not Budget Director?

CHAIR GUZMAN: Oh, yes.

COUNCILMEMBER COUCH: Okay.

CHAIR GUZMAN: From the Parks Director, yes, yes.

COUNCILMEMBER COUCH: Yeah. On Page 4 of this...I know you're gonna start on Page 6 'cause that's the first thing that looks like it's marked. It appears that something might be missed. I know I brought it up on a while back. But I didn't see that it got incorporated. On Page 4 where it says "Advertising material" means signage, stickers, posters, flyers, brochures, banners, and videos, displays or any other means of promotion. Can we reference something that it has to be in accordance to

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Chapter 16.26, which is the sign ordinance? Because there are restrictions on sizes of signs and what types of signs that you can have, and we don't want this to be able to say...that overrides Chapter 16.26.

CHAIR GUZMAN: Oh, right, right, right. Without objections, is that okay, Members, if we add just the reference to that --

COUNCILMEMBER COUCH: Right.

CHAIR GUZMAN: --section? It's just --

COUNCILMEMBER COUCH: Right, just to make sure that...

CHAIR GUZMAN: --making it more consistent.

COUNCILMEMBER COUCH: Right.

CHAIR GUZMAN: Okay, that's fine.

COUNCILMEMBER COUCH: Thank you.

CHAIR GUZMAN: I don't see any problem with that. So just for the record, we're at...this is a new comparison sheet that was just produced based off of the changes that were recommended by the Members. This is dated...let's see. Do we have a date on here, Ms. Savage?

MS. SAVAGE: December 4th was the date.

CHAIR GUZMAN: Oh yeah, December 4, 2015, Version 1c, so just for the Members' references. Okay, Ms. Savage, you may proceed. We're just gonna go straight into the changes that we...the Members had issues with.

MS. SAVAGE: Okay, thank you, Chair. So we're starting on Page 6 then. And what I'll do is this change kinda correlates with a few other locations, and so we'll go to all of those different reference points. So we have the discussion about County co-sponsored versus Department-sponsored and how that pertains to equipment usage for County co-sponsored events outside of Parks facilities. So we've added in a definition for County co-sponsored which would read, "County co-sponsored means all functions, activities, programs or events sponsored by the County or any County agency in conjunction with an individual or organization." So by adding this definition, then as we flip over to the next page on Page 7, which was where we primarily had the Department-sponsored conversation. We can also go ahead and reference to the table that was also provided as a reference tool with the rates and fees. It was a four-page...starts off with Table 13.04A.100. And if you flip over onto the second page of this, this is where we'll be referencing on this document.

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CHAIR GUZMAN: This is where it says, Stage Platforms, Bleachers, Picnic Tables?

MS. SAVAGE: Correct, correct. So the Schedules of Fees and Deposits for the rental of Department equipment. You'll see in the first section on the left-hand side listed down, there's the different types of equipment, and then across the top shows the different permit types. And so added under the Special Events category, it shows Nonprofit, Political Fundraiser/County Co-sponsored. So this is where we added in a fee, or added it in so that it would be included into the fee structure if there were fees for the County co-sponsored equipment to be utilized off of Parks property. And then this also correlates with the language...find that page here.

COUNCILMEMBER COUCH: Mr. Chair, may I interject for a second?

CHAIR GUZMAN: Yes, Mr. Couch?

COUNCILMEMBER COUCH: Just for a point of order, are we...we obviously aren't gonna make changes to this because we cannot. It's a budget item.

CHAIR GUZMAN: Right.

COUNCILMEMBER COUCH: So this has to be sent down and then heard in Mr. Hokama's Committee, it's my understanding. So we aren't making changes to this. This is --

CHAIR GUZMAN: No. We cannot make changes.

COUNCILMEMBER COUCH: --presumed, these will be presumed changes if we...

CHAIR GUZMAN: Yeah.

COUNCILMEMBER COUCH: I know there's a timing issue on this now, so...

CHAIR GUZMAN: Okay, if we make the changes here --

COUNCILMEMBER COUCH: Here on --

CHAIR GUZMAN: --then we also need to --

COUNCILMEMBER COUCH: --the matrix.

CHAIR GUZMAN: --make the changes in the budget --

COUNCILMEMBER COUCH: Okay.

CHAIR GUZMAN: --when it's coming up, right, 'cause we won't be able to, or...

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COUNCILMEMBER CRIVELLO: We don't make the changes . . .*(inaudible)*. . . We don't.

CHAIR GUZMAN: And we can't make them anyway. Yeah.

COUNCILMEMBER COUCH: We can't...this Committee can't make these changes, yeah.

CHAIR GUZMAN: Yeah, it'll have to be the Administration.

COUNCILMEMBER COUCH: Okay.

CHAIR GUZMAN: Or we wait until the next budget cycle --

COUNCILMEMBER COUCH: Right.

CHAIR GUZMAN: --to make those changes.

COUNCILMEMBER COUCH: Right. I just wanted to clarify that --

CHAIR GUZMAN: Oh, okay, sure, sure.

COUNCILMEMBER COUCH: --to make sure we're...

CHAIR GUZMAN: But this was...just remember, Members, this was, the definition was changed to allow activities that were co-sponsored. So if an activity was co-sponsored by the County, then you could use County equipment. On the original version was you had to use it on County property, the equipment. So I think this takes care of the issues that were brought forth by the Members. Do you agree that this would be okay? So no objections to that? So, Ms. Savage, you may proceed.

MS. SAVAGE: Thank you. So the final reference to this is on, also on Page 30 where there's Section 13.04A.130, Department equipment rental.

UNIDENTIFIED SPEAKER: Which page?

MS. SAVAGE: Page 30.

CHAIR GUZMAN: Page 30.

UNIDENTIFIED SPEAKER: Thirty?

MS. SAVAGE: So the proposed language change that's listed under Option 1 would read, "13.04A.130, Department Equipment Rental. Subject to County co-sponsorship or the issuance of a permit pursuant to Article III, the Director may rent department equipment to the permittee, subject to payment of custodial deposits and fees as set

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forth in the annual budget ordinance. Priority of use for equipment shall be given to permits issued pursuant to Article III then to County co-sponsored events that are not on Parks' property. Any damage to rented equipment shall be paid for by the permittee in an amount equal to replacement cost as determined by the Director, and permittee shall forfeit any deposit. Any excess amount shall be recovered from the permit holder by any legal means necessary." So these are all the different locations that by including a rental fee amount in the rate schedule, adding the County co-sponsorship definition, and adjusting this language in department rental...or department equipment rental, this was the option the Department provided based upon the concerns of the Members from the last few meetings.

CHAIR GUZMAN: I like the language because we were discussing priority. You know, those who had permits already in place versus those who are just co-sponsored. So this is...I like this language. Is there any objections or changes? Mr. Hokama?

COUNCILMEMBER HOKAMA: Just a question, Chairman. I wasn't...forgive me for not being part of that discussion. Can I get an example of off County property example, regarding this provision of the equipment?

CHAIR GUZMAN: Okay, so like for instance one of the examples used was the Makawao Rodeo. It was, I guess, they used some of our equipment, Parks' equipment, but yet it's not on County property. It's not part of the County Parks' jurisdiction. But yet they're allowed to, you know, they used some of our equipment. I think Mr. Couch had an example of First Friday in Kihei...or Fourth Friday, sorry, that is off site, but yet they...it's sponsored by the County, Fourth Friday. But they're not allowed to use County Parks and Recreation equipment. So that's what the discussion was. Like, can sponsored events by the County also use Parks and Recreational equipment?

COUNCILMEMBER HOKAMA: Is there a problem with those entities using private sector's rental equipment?

CHAIR GUZMAN: I don't...

COUNCILMEMBER HOKAMA: Like Bacon-Universal, and other entities that rent equipment? Again, I bring it up because, you know, that's all I need is now one departmental request that they cannot perform because their equipment broke down for a sponsored event for non-County work requirements.

CHAIR GUZMAN: Right. Yeah, that's an issue that, you know, that's presented. I think also Ms. Crivello had some issues on Molokai wherein some of the County-sponsored events were off site, or not on County property, but yet sponsored by the County. And they were having difficulty getting equipment like bleachers, and things like that. So, I mean, yeah, that's a good issue to be raised whether we just, you know, not have that whole co-sponsorship element, and go back to the original version.

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COUNCILMEMBER HOKAMA: And these are equipment that, 'cause I think for Water Department, what not, we also have a fee schedule for certain things, certain equipment also. So I would think we should be consistent about what we want to do.

CHAIR GUZMAN: Why don't we get some input...

COUNCILMEMBER HOKAMA: 'Cause I'm not willing to take over private sector's job of doing lease equipment for non-County business.

CHAIR GUZMAN: Department, you have any comments?

COUNCILMEMBER CRIVELLO: Chair, can I say something --

CHAIR GUZMAN: Oh, yes, Ms. Crivello?

COUNCILMEMBER CRIVELLO: --in relation...relative to Mr. Hokama's concern. You know, we're fortunate on my island, anyway, to have a number of events sponsored, County sponsored. But that doesn't necessarily mean that the County space can accommodate the event. And we've...it's like utilizing the stages. Some of our...one of our rodeo events utilizes the mobile bleachers, and often the tables. So on my island, there's no private vendor that rents that, except maybe for E-Z Ups and that sort. So I would have to say that, you know, this is where it doesn't fit all, you know, one size doesn't fit all. And I for one kinda push this so that the events that is an inoculation of some economic or cultural event is of value, whether it's Aloha Week or Makahiki, or the canoe race festivals, that's it. And I can see if we have the private sector that would provide the type of equipment that we're fortunate to have from the services of the County Parks and Recreation. Yeah.

COUNCILMEMBER COUCH: Mr. Chair?

CHAIR GUZMAN: Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And the other issue is, as Ms. Crivello said, sometimes the public sector doesn't have this. And this is only for County co-sponsored events. Maui Matsuri is another one that the mobile stage is being used, but it's on State property. It's not on County property. So there are events that County sponsors or co-sponsors that use that equipment already, so I'm not sure how that's being done now, and I just wanted to make sure that it's allowable here in the Code. Thank you.

CHAIR GUZMAN: Let's ask the Department. How is the equipment allowed for these co-sponsored events by the County? I mean it sounds as though they're already using County equipment although the current ordinance wouldn't allow it. Well, I mean it's an implied, it's implied that it wouldn't be allowed off of County property. So how is it

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that some events out there, that have been ongoing, still use County property or equipment? I mean, excuse me, the equipment off of County property?

MS. SAVAGE: Thank you, Chair. So some of the topics and kinda points that were discussed when we first went through this section is there's been inconsistencies in the Department over the years with when equipment is allowed off property and when it isn't. And so part of us going through this and...is asking for clarification on establishing what the policy should be moving forward. Should it be that County equipment is allowed off property for County co-sponsored events, or should it be exclusively used for when permits are issued on County property? And, you know, the Department again has concerns both ways. We understand that there are certain events that rely on, and have relied on certain pieces of County equipment over the years, and we wanna be supportive of those events. And some of 'em, right, it is because maybe our facilities aren't available, or they don't fit appropriately in our facilities. But we also have concerns with, especially the larger pieces of equipment, the mobile stage and the mobile bleachers, with any of those going off-property. Because we have to move them, we have to set them up, we have to make sure they're secure. There's a lot of times electrical things that are being hooked into them. And so the question for us, and as was discussed that if that becomes County policy, then there's gonna have to be that budgetary consideration because most of the time, these large pieces of equipment need to be moved is on the weekends and after hours, after that 6:00 to 2:30 shift that our employees would be working. So those are both concerns that, again, we had brought up at the time that if this is the policy direction of the body, the Department doesn't have any issue in following through with that. But we just want it to be recognized that there will be additional operational costs that are a part of that, as well as just the wear and tear on any time you're moving equipment far from one location to the other. The other piece of this that I can bring up is that it may be that the types of equipment needs to be separated because there's the wooden bleachers which are...or, not the wooden bleachers, the wooden stage pieces that are the, you know, 4x8-foot pieces. And there are the...on Molokai we have picnic tables that get rented out frequently. So there's certain types of equipment that it may...the body may want to consider allowing certain types of equipment to go off-property, and other types of equipment have to be used, again, on County property.

CHAIR GUZMAN: So the equipment that we would have to designate, or your suggestion would be those that are listed in the budget...right here on Table 13, stage platforms, bleachers, picnic tables, mobile bleachers and Showmobile stage? Those are the only equipment that we're talking about right now in regards to this section?

MS. SAVAGE: Yeah, that is correct. In order for us to rent them out, they would have to be listed in the budget ordinance.

CHAIR GUZMAN: Right.

COUNCILMEMBER HOKAMA: Chairman?

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CHAIR GUZMAN: Yes, Mr. Hokama?

COUNCILMEMBER HOKAMA: Just for clarification, what's a Showmobile stage?

MS. SAVAGE: Yeah, the Showmobile stage is the large one that kind of looks almost like a shell. The top of it opens up, to the top and to the sides.

COUNCILMEMBER HOKAMA: Okay. Currently, how's the Department dealing with costs? You folks paying for any overtime? You folks assessing the applicant those extra costs? Or are there no extra costs at this time?

MS. SAVAGE: Thank you, Chair. At this point, there's no extra costs, and that's been one of the things that we've gone back and forth with from a department, that we'd like to look at proposing into the budget is having some type of a, kind of equivalent compensation that goes towards if we need to set it up and it's off of our normal working hours or it's outside of the scope or parameters that there's kind of that equivalent recuperation. Right now, there's just the fees that are in the fee schedule for the piece of equipment. We've kind of taken the philosophy that if it's a, you know, it's a co-sponsored event, it's on our property. You know, that's something that we're gonna accommodate within the Department of figuring out when to get things set up and broken down.

COUNCILMEMBER HOKAMA: Okay, 'cause I would say if you don't ask for it in budget, don't spend money you weren't given. So for this equipment, this is the full scope, or are you looking at other components later? Bobcat, backhoe, I mean I'm just trying to understand what kind of scope you folks looking at regarding equipment.

MS. SAVAGE: Thank you, Chair. So the equipment as far as rental for public use would only be, again, the ones that are explicitly listed. The Department has no intent of looking at other types of, you know, equipment being used. More so again things like stages, bleachers that may be a part of certain facilities, but if something is being used maybe a little bit differently, or we have lots of field, open-grass areas that are like multipurpose that we don't have some of that infrastructure built in to, and so, you know, it's nice to be able to accommodate some of the special events in those different areas. But that means that we have help bring in some of that infrastructure. So those would be the types of equipment, specifically, you know, it's stages and bleachers primarily are the pieces of equipment that we would look at renting.

COUNCILMEMBER HOKAMA: So the stage, if we went from Wailuku to Lahaina, those costs, where do you folks book it?

MS. SAVAGE: Within our operations.

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COUNCILMEMBER HOKAMA: It's to the district? To your main administrative budget? This is charged to the event, and the event sponsors take care of those things? How you folks doing that currently?

MS. SAVAGE: The cost for the transporting of the equipment would go into our Construction/Maintenance 'cause that's the area that...as far as for the large pieces, the mobile stage and the mobile bleachers, those have to hauled with larger pieces of equipment. So our Construction/Maintenance Section is the one that would...it's that Operation Budget that would take those costs. If there's movements of the smaller wooden stage pieces, that a lot of times will just be done in district.

COUNCILMEMBER HOKAMA: And then the event fees go and offset, you folks do the corrections later on? The expense ledgers, they get reimbursed from the event?

MS. SAVAGE: No, there's no mechanism right now other than the permit fee amounts for us to collect those monies back in. So there isn't a reimbursement of the actual costs.

COUNCILMEMBER HOKAMA: So the General Fund is eating the excess cost of this events then.

MS. SAVAGE: Correct.

COUNCILMEMBER HOKAMA: I think we need to make sure that the event pays for itself. I don't think we need to make an assumption General Fund is gonna subsidize everything.

CHAIR GUZMAN: Would that be proposed in the budget, or would that be in this ordinance?

COUNCILMEMBER HOKAMA: Well, I just bring it up, Chairman, because part of the goal that I believe the Department would like to get through is this enterprise status.

CHAIR GUZMAN: Right.

COUNCILMEMBER HOKAMA: Which means they're a revenue-generating department. And the expenses should be part of their annual pro forma and budget consideration that the request comes to Council for. So that's what I'm looking at, is how this thing is gonna work in an enterprise status because I think that's the right direction for this County. And I think the Director is working hard on this enterprise consideration. I just wanna make sure that part of it is to make sure that things that need to pay for itself, pay for itself. And that's why we're gonna go enterprise, because they should be, for me in my expectations, additional revenue to take care of the other needs of the Department, whether it be golf course, swimming pools. I expect this program to make us a big revenue support to ease the demand of the General Fund. And I think with pouring rights, concession rights, and some other things that this County is able to do with the right legislation, I don't see a reason why this Department cannot come

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and be a profit center for us down the road. So my questions is more in helping the Department prepare to become, what I consider, an enterprise department. So that's where I'm coming from, Chairman.

VICE-CHAIR COCHRAN: Chair?

CHAIR GUZMAN: So on the...yes, Ms. Cochran?

VICE-CHAIR COCHRAN: These stages, do they have a power source?

MS. SAVAGE: The platform, the stage platforms, those do not. So those are just the wooden...they're about 24 inches off the ground. So it's just almost like an elevated riser that come in eight foot by four foot sections. The mobile Showmobile stage and the mobile bleachers, those do have power sources that are attached into them. Now, when I say power sources, that means that, because they open and close, and so there's a lot of electric that gets built into that. If you...you can't necessarily like just...you still need a generator to run the sound system like for your event that's running off of that.

VICE-CHAIR COCHRAN: Okay, yeah, that was my next question. In generators, do you...are you looking to maybe rent those, or do you have those at hand to rent?

MS. SAVAGE: No, those are things that have to be provided by the event.

VICE-CHAIR COCHRAN: Okay. And the trailerable-type bathrooms that we have now, are those...do we have just enough to supply the places that are in need, or could those be also used as rentals at a certain time?

MS. SAVAGE: Yeah, at this point those are kinda stationed, the ones that we have are stationed primarily at one location, but we'll be looking at adding that in in this upcoming budget, an avenue to be able to rent those out and move them for different events.

VICE-CHAIR COCHRAN: Okay, very good, thank you. Thank you, Chair.

CHAIR GUZMAN: Thank you. So I'm trying to get a good feel of the Members on this section. Is it something that we should incorporate on the language regarding reimbursement of overtime and transportation? And that should be, you know, reimbursed somehow to the Parks? Is that...that's the suggestion I hear from Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman?

CHAIR GUZMAN: Yes.

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COUNCILMEMBER HOKAMA: I think it's important for all of us to be clear on how the money is gonna work if we move to this enterprise program. So, you know, my thing is you and I gotta continue to work together, Chairman, because fee schedules and what not will be dealt with in Budget.

CHAIR GUZMAN: Okay, okay.

COUNCILMEMBER HOKAMA: Like we deal with Water Department fee schedule and, you know, and they have the whole ball of wax from asphalt compressors, dump trucks. I mean, you know, we rent all those kind. We have rental amounts for all those kind of things. So I would ask...would help us if...my thing is we understand how we wanna make this work from a financial standpoint, Chairman. I think it will be easier for us then to divide the responsibilities of who's gonna do what under what committee. But I would just like the sense from the Department. This is the prospective way we're gonna operate under this enterprise scenario, and I think that would help us 'cause I think, again, I would agree with Ms. Crivello. We got nine unique districts, and we may need to do some additional tweaking, but the overall philosophy should be consistent regardless. And that's what I'm looking for in how we set this up 'cause I would like it sooner than later 'cause I really want that money to benefit the County, Chairman. So I'm willing to let certain things go. But I think it's critical how we're gonna look at expenses, and how we're gonna do the appropriate charging 'cause to me part of this enterprise system for it to have the integrity we expect to convince the tax base, we need good recordkeeping, and the ability to show what's happening with the monies, especially with the CIP component down the road eventually, how we're gonna make those improvements in the Parks. And so I think we need to be clear on how we wanna set up this program, especially with every district being here. And, again, I have a colleague to my right, Ms. Cochran, who again has a unique situation because of the development in her district, she has Park funds for CIP purposes that other districts may not have that resource, so we gotta look at another way of financing. But I wanna see how this all complies under the enterprise because each district should have a fair opportunity to have something good through this enterprise program, Chairman. And that's why I'm kinda sticky about the money right now. But I need to make sure that if a division is putting out expenses and resources to make an event work, that some of the books get balanced through that event's revenue generation. So we know clearly what was expended for what purpose, and one division is not being penalized on its budget because they did all this, and they get no credit back from the event. So again it's just part of, for me, recordkeeping, Chairman.

CHAIR GUZMAN: Okay.

COUNCILMEMBER HOKAMA: Thanks.

CHAIR GUZMAN: All right. So, Department, if you could...

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COUNCILMEMBER CRIVELLO: Chair?

CHAIR GUZMAN: Yes, Ms. Crivello?

COUNCILMEMBER CRIVELLO: In line to what Mr. Hokama is saying, so I have a question. Say every month you have rental for your bleachers, whatever activity it is, and it amounts to \$250, maybe twice a month. Where do those monies, where does it go, the fees?

MS. SAVAGE: Thank you, Chair. So all of the permit fees that we collect, those all go into the General Fund. If it's the custodial deposits and the key deposits, those go into a trust and agency account because those are refundable, provided everything is returned and taken care of accordingly. And then if for some reason something isn't cleaned up and they're gonna forfeit that custodial deposit, then we do a demand to transfer those monies from trust and agency into the General Fund.

COUNCILMEMBER CRIVELLO: Okay, so I guess some sort of report or recordkeeping is crucial for us to have an idea on how much is going into the General Fund from the permits, and how much are we losing because of manpower or damage to equipment. That would be helpful too. If there's a process that is available for us to do some sort of analysis on this.

CHAIR GUZMAN: That can be worked out on your admin rules too, right? I mean if you require that.

MS. SAVAGE: At this point to try to produce some kind of report that shows how much, like from an operational perspective 'cause we're not tracking separately this trip to drive from here to here to haul this piece of equipment, and how many hours that's taking. That's not something that we're internally logging separately.

COUNCILMEMBER CRIVELLO: Okay, but perhaps going forward in Mr. Hokama's concerns, yeah. Would that be possible? Do we have some sort of system that drives that kind of information?

MS. SAVAGE: That kind of information would fall into a project that we have down the pipeline a little bit further. It's our maintenance connection system, and so that's the system that should be managing like all of our work orders. And it wasn't fully built out to the level that it could have been built out in. And so after we finish all this permitting stuff, we're gonna be going back in 'cause we can create like preventative maintenance schedules in that work order system so that it'll automatically populate and send out reminders for work that needs to be performed either on specific pieces of equipment for maintenance, or on facilities. And there's the ability in that to build in like specific fees or not fees, per se, but costs for specific types of repairs. And you can also account for the expenditure of man hours as well. And so eventually, once we get that system set back up and we get good information built into it, then we

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would be able to generate some of those types of reports. But that's probably about 18 months from now --

COUNCILMEMBER CRIVELLO: Okay.

MS. SAVAGE: --that we'll be able to get that fully set up and functioning.

COUNCILMEMBER CRIVELLO: Okay, thank you, Ms. Savage. Thank you, Chair.

CHAIR GUZMAN: Thank you. Mr. White?

COUNCILMEMBER WHITE: Thank you, Chair. And I apologize if somebody asked this question, but for these various categories of rentals, do you have any sense at all how many rentals you do in each of these categories? And do you have any estimated expense that goes with each of these rentals? And I know that it varies based on time of day, or day of the week, but is there any tracking that gives you a sense of whether the \$1,000 for the stage actually covers all the costs of setup, breakdown, transportation, and eventual replacement?

CHAIR GUZMAN: Yeah, Ms. Savage?

MS. SAVAGE: Thank you, Chair. I hate to make assumptions, but I would have to assume that that existed somewhere in the Department when these numbers were initially created. It's not something currently that we have, you know, something that we reference or could pull up to say this is how much it costs to do this. We could get some general estimates, I think, for probably a couple different scenarios. That kind of piece of the whole...basically a fee structure assessment is something that the Department's said once we get through kind of Code revisions and the Administrative Rules, and we have more of the kind of policy-procedure side of it put in place, and we have staff trained on that, then we would be going back to do more of an in-depth fee assessment. And looking at, you know, all of the different facilities again to say what are the operational costs, what are the, if it's for pieces of equipment, right, what does it cost to move it from one place to the next, our deposits, how much does it cost us to do different cleaning of things. And so we haven't done, I guess, that because we were looking at doing it comprehensively for all of our rates and fees once we get through again kind of the policy and procedure side of it.

COUNCILMEMBER WHITE: Because we've been talking about these fees for at least three or four years, and, you know, I'm supportive of changing the fees because like we were discussing this morning with the Agricultural property tax rates, somebody's paying for somebody else's benefit. And I think it's important for us to at least get a handle on what the cost is to provide this, whether it's the initial purchase cost or the ongoing maintenance, or the moving, setup and so on, because this essentially is another subsidy that, you know, we've discussed before that, you know, people complain about the golf course. But at least the golf course, the folks that are using it are being

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charged a, you know, a fee that, and I haven't done the calculations recently, but my recollection is that the fees at least take care of about half of the cost of operations. And, but we don't have that happening in the rest of Parks. So the rest of Parks are where we're, you know, we're providing services that we're not generating any return income so, and there are obviously areas where we don't want to charge. But there's areas where we probably should be charging more than we are, so thank you. Thank you, Chair.

CHAIR GUZMAN: Thank you. Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And I think Mr. Hokama will probably remember this more than anybody, but I believe in '99 or 2000, it was attempted to make the rates and fees close to or, you know, at least half of what it really costs which it made them a lot higher than they currently are. And there was huge backlash from the people in Maui County, and so the Council I think the next year or even in the same year, took those right back almost instantly. So just to...a little bit of history there. I hate to be channeling Mr. Hokama, but this was tried. So I'm pretty sure that these are nowhere near what the actually costs are because of that incident that happened back in the '90s or early 2000. So we gotta look at that too. But it would be nice to see what the actual costs are.

CHAIR GUZMAN: I'd like recognize Mr. Victorino. Thank you.

COUNCILMEMBER VICTORINO: Thank you, Chair. My apologies.

CHAIR GUZMAN: That's okay. So maybe the Deputy Director can put together a pro forma or maybe a cost estimation, and we can go back to this provision. Mr. Hokama?

COUNCILMEMBER HOKAMA: Chairman, thank you. And again, quickly, Mr. Couch is pretty accurate in his memory. The issue back those days was abuse regarding cleaning of the facilities after events, breakage of locks on our doors and entries, misplaced or lost chairs that the Department had to replace. So the Council responded to a situation the Department was dealing with regarding what I call abusive use by event sponsors. And so we came up, because the Department came back continuously to ask for General Fund appropriation to replace or repair what had happened to our community centers from community use. It was from the community that either destroyed or took chairs, broke the locks, you know, screwed up the bathrooms. And so that was one of the responses Council gave was then we're gonna up the price so that, you know, it will cover the costs that the Department was facing. And again, we had mixed response to that approach. But for me, I think the Department has a great opportunity, great opportunity with this new proposal. And one of the things that I will ask the Director if she's not prepared today, if she can get back to us from Finance how long it would take for Finance to set up the appropriate accounts required to make this an operational program for your Department. So if Finance says, hey, if Council passes it today, in 30 days we can get Parks and Rec in

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place to take care of what their revenue stream, we'll get the ledgers squared away for expenses. We have already set up T&A accounts for whatever needs to put cash on a temporary basis. We set up this, we set up that. That would give us some confidence in how fast we need or how fast we can consider approving and moving this forward. If Finance comes and tell you, Ms. Savage, one year, okay. Whether that be true or not, it's a factor we gotta deal with on implementation, on actual implementation date, and so that is something that Chairman Guzman will be, I guess, working with you to give us some advice on how to move forward. But I would say if you can help us have an understanding of Finance needs and how soon they can support your Department's needs. And in general working with Corp. Counsel, if we grant the pouring rights, concession rights through an RFP process, what are we looking at also as part of the revenue stream. Six months, nine months, one year before, you know, we can realize some advantage or revenues from that. I would say that would help us also with implementation date and making sure everything is ready for your Department to operate on a daily basis. So that would be helpful for someone like myself, Chairman. Thank you.

CHAIR GUZMAN: Yeah, I would agree with that. And so if the Department could put together, I know that we won't get through this by the end of the year, so we will pick this back up in January. So I think you'll have plenty of time to at least follow up on some of that research with the Finance Department and...

MS. SAVAGE: So, Chair, can I get I guess just clarification on specifically am I just...you're looking for information for equipment --

CHAIR GUZMAN: Yes.

MS. SAVAGE: --or...

CHAIR GUZMAN: We're gonna...asking...okay, if you do, if you are renting these out, how much are you renting them out for, what is the cost of the overtime, the transportation, also can Finance Department accommodate some type of system that could...somewhat like a revolving fund maybe. But, well, some type of system where we're earning money, or at least coming out breaking even when we do rent these equipments out. And it may not even necessarily be using the General Fund. We might need to create a fund on its own. But the implementation portion is important because can the Finance Department create or accommodate this type of provision that we're talking about on the floor, incorporating it, because it's more of like a renting-out-equipment business. Aside from it being sponsored by the County, it is expending monies that we are...we don't really have considering the fact that we're subsidizing a lot of things in the County. Yes, Mr. White?

COUNCILMEMBER WHITE: Thank you, Chair. You know, I mentioned the cost of running the Parks Department. I just...it takes the staff to remind me what the cost of running the Parks Department including fringes, and it amounts to about \$42 million a year

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which is almost double the entire homeowner contribution to real property tax. So it's a significant amount of money that everybody else is putting into the till for those people who use it.

CHAIR GUZMAN: Okay. So we'll come back with more --

COUNCILMEMBER VICTORINO: Chair?

CHAIR GUZMAN: --information on that section.

COUNCILMEMBER VICTORINO: Chair?

CHAIR GUZMAN: We could...yes, Mr. Victorino?

COUNCILMEMBER VICTORINO: I'm sorry.

CHAIR GUZMAN: I'm sorry.

COUNCILMEMBER VICTORINO: Yes, thank you, and I apologize for being late, so I didn't hear a lot of the earlier discussion. But one of the things that, and I agree that we gotta get closer to maintaining a fee schedule that coincides with what is actually costing the County to run some of these operations. But I will also step back and say that a lot of our nonprofit, our youth, our elderly who are the users of our facilities in a large manner. I do not wanna see them hurt in any way, and that was some of the backlash that Mr. Couch was talking about. You know, that was...those were the particular groups that came back really hot and heavy about the charges, the fees that had been raised, and they were raised exponentially. It wasn't just small increases. Even though there was justification, they felt they were being unfairly targeted because they don't have facilities outside of what the County provides. So this is something that, you know, in all of this discussion our nonprofits and, you know, they gotta pay something. I don't think they're not gonna pay something. But I don't want them to have to come back and ask for more funds from us, or raise more money out there, just to use our facilities. And I think this is important. Yeah, commercial, fine, you know. Politicians, fine, you know, tough luck. You know, we gotta pay, we pay. But I'm saying that when it talks to our elderly, our youth, our youth organizations, for all of our facilities, we gotta maintain that we...it's very important we keep it as economical as possible for them. The other part that Mr. Hokama mentioned about concessions, you know, a lot of the youth groups augment some of their budget by having concessions, whether it's baseball, whether it's football, you name it, they augment, okay. Now I know Mr. Hokama has said many times, well, that's a State issue. Well, that's our kids. I don't distinguish between State and County when it's our children. Yes, we're using our facilities. When they use their facilities, they don't share with us. So I will say that in all honesty. And they charge us when we use the gyms, when we use their cafeterias, when we use their fields. They charge the County. So I think someplace in this whole equation, we need to step back with the State and

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say, hey, we gotta have a more amicable relationship. You gotta be fair to us because we're being fair to you. We allow you to use our facilities, our fields for high school sports. You know, War Memorial is used, you know, for football. But now Lahaina has their own field, King Kekaulike has their own field, Kamehameha has their own field. So a number of them have what I call fields available to be used. So maybe we can cut back, I don't know. I don't know if we want that. But I'm just trying to get to a point, Mr. Chair, that what we move in this direction to trying to, what is the word, trying to recover a fair cost back to us so that we can continue to not augment it by real property tax and other means. On the same token, let us not hurt the ones who need it the most. It's our families, our children, our kupuna. They are the ones that really, really depend on this, and I don't want them hurt in any manner if we can avoid it. Thank you, Mr. Chair.

CHAIR GUZMAN: Thank you, Mr. Victorino. There's some good points made. Just to bring you up to speed, on this specific provision that we're speaking about is...I think you were here last meeting. We were talking about whether we would allow certain equipment from the Parks Department, stages, bleachers, picnic tables, mobile bleachers, and Showmobile stages, to be rented to those entities that would bring those equipment off of County property. The current ordinance that we have right now would only allow a permittee to have these equipments on County property. So there was discussion, if you can recall, if there was co-sponsorship of an event or an activity, and that event or activity was off of County property, could those...could they then rent those equipment. And so there was discussion about that. Although we weren't talking about finances, and I'm glad Mr. Hokama brought this up, it is a huge component of this provision, is that, okay, if we're gonna allow this to happen, are we gonna be, is that gonna drain our funding? Because the overtime, transportation, those are other elements of expenses that we on the Committee weren't thinking about. So I think we need to, at this point, have the Department do a little bit of research to see if in fact that's gonna really, by allowing co-sponsorships to rent these equipments off of County property, is that really going to hurt us in a big financial way, adding another subsidy out there that we can't really afford? But I think we can do a little bit of economic research on that to see if it's viable.

COUNCILMEMBER VICTORINO: And I think there's a real challenge in my mind. A lot of the equipment that you're referring to, for example the luau tables, a lot of 'em don't belong to the County.

CHAIR GUZMAN: Really?

COUNCILMEMBER VICTORINO: They're from the fair association and they're all stacked up in the...and they'll use it every so often. Even those booths, that belongs to the fair association. But we have generally let them use it whenever the County requested it. Isn't that correct, Bri?

MS. SAVAGE: Yes, there's usually a rental fee that's collected by the Fair Alliance.

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COUNCILMEMBER VICTORINO: But what I'm just saying, it doesn't belong to the County. So there's, you know, there's that issue.

COUNCILMEMBER HOKAMA: Stored on County property?

COUNCILMEMBER VICTORINO: Yeah. So...

CHAIR GUZMAN: Okay.

COUNCILMEMBER VICTORINO: Just wanted to bring that up 'cause Mr. Hokama chomping at the bits. He's a little slow on these things, but I know that that's what's happening and it's been put on County property for years, no residual return to the County.

CHAIR GUZMAN: Interesting, very interesting. So we'll just, we'll come back to this section, and we'll do a little bit more work on it. And so, Ms. Savage, can we proceed to the next changes?

MS. SAVAGE: Yeah, and if I can just, just to clarify and I guess restate. So I'm gonna tie the County co-sponsored definition is on hold in conjunction with the inclusion of the fee and the Department equipment rental, 13.04A.130, that language rewording all of those are on hold in conjunction with an equipment fees analysis.

CHAIR GUZMAN: Yes.

MS. SAVAGE: Okay. Okay, so then the next change proposed is on Page 10. And this is a definition for gymnasium. And you'll see again in the center column looking to add in the language "including but not limited to." So it reads "Gymnasium" means any recreational facility utilized for indoor athletic activities including but not limited to basketball or volleyball.

CHAIR GUZMAN: I think that was Mr. Couch, right? Okay, very good. Okay, no objections to that change, Members?

COUNCILMEMBERS: No objections.

COUNCILMEMBER HOKAMA: Just one quick one.

CHAIR GUZMAN: Mr. Hokama?

COUNCILMEMBER HOKAMA: Does it matter if it has four walls, or no walls? It can be a gymnasium? Did you bring that up, Mr. Couch?

COUNCILMEMBER COUCH: I did not.

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COUNCILMEMBER HOKAMA: So if it has the roof and the four posts, but it's not enclosed, can it still be a gymnasium? If it provides basketball, you know, it has basketball, volleyball. Because Paukukalo is a unique structure. It's not an enclosed facility but the people call it the gym, right.

COUNCILMEMBER VICTORINO: Well, the same thing in Haiku. Haiku has the same thing.

COUNCILMEMBER HOKAMA: So yeah, yeah, so I just was wondering, you know, do we...does it...is our answer that it's an enclosed structure, then that's a gym. And if it's not, it's just an open-air covered court? That's what I wanted to know, how you folks would look at it.

MS. SAVAGE: Yeah, so within the definition of gymnasium, it states for indoor athletic activities. So I think that's where...I mean it's not explicitly talking about like the building structure, but yeah, we would look at indoor being enclosed with walls and a roof, versus open-air facility. That would be like the pavilions that may have...

COUNCILMEMBER HOKAMA: Like Paukukalo?

MS. SAVAGE: Yeah.

COUNCILMEMBER HOKAMA: Okay, thank you.

CHAIR GUZMAN: Okay. Are we still okay, Members, with this change in the definition?

COUNCILMEMBER VICTORINO: No objections.

CHAIR GUZMAN: Okay. Okay, let's move on.

MS. SAVAGE: Okay. The following is on Page 13, and this will connect again to a couple different pages. I'll find the next one here. So the question with this was with the definition of recreation facility. It includes pavilions, and so the question was does there need to be a distinction between indoor and outdoor pavilions? Because how does that pertain to dogs being allowed in outdoor pavilions versus indoor pavilions 'cause if we reference little bit later on Page 18, will be the other place this connects into where it has the prohibition that you cannot bring dogs into recreational facilities. And so on Page 18, you will see there's two different options that can address this. The first would be to leave the language as is, which would result in dogs are not allowed in outdoor or indoor pavilions. The second option would be changing the language to allow dogs in outdoor pavilions which would read "Bring dogs into recreational facilities, excluding outdoor pavilions, except for guide, signal/hearing, and service dogs, as defined in Section 6.05.010 of this code."

CHAIR GUZMAN: Okay, this was...this issue was Mr. Couch and another Member, I forget. Mr. Victorino, that was between you two.

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COUNCILMEMBER VICTORINO: Yeah, that was our concern.

CHAIR GUZMAN: So this is the various options. Mr. Couch?

COUNCILMEMBER COUCH: Mr. Chair, I'm fine either way. My only...the reason I brought it up is we have a couple of pavilions in Kihei that are pretty much open that, you know, a person could take their dog through or kinda sit 'em at the bench while they eat. But this...if we leave the language as was originally proposed, they wouldn't be able to do that. And I think Mr. Victorino had a concern about allowing dogs in that. So I'm fine with whichever way the body wants to go on that.

CHAIR GUZMAN: So I guess the ball's in your court, Mr. Victorino.

COUNCILMEMBER VICTORINO: Well, again...

CHAIR GUZMAN: Yeah, Option 1 or Option 2?

COUNCILMEMBER VICTORINO: Well, I think my concern was more on the...how do we regulate the word "dog"? I mean I got service dog, guide, hearing, okay. That I'm cool, I'm okay with that.

CHAIR GUZMAN: Okay, Option 2.

COUNCILMEMBER VICTORINO: Yeah, Option 2 would probably be better in my mind, instead of not allowing any animal.

CHAIR GUZMAN: Okay.

COUNCILMEMBER VICTORINO: Okay, so but we'd have to have a specific reason why that animal is with you, and I think that's important. I don't mind, you know, people bring little Chihuahuas and little, you know, small dogs. You know, I don't mind that 'cause a lot of times they hold on to 'em. But when they bring in a pit bull or something like that then, you know, it's a little more challenging. Although animals are a product of their owner more than of their breed. And I'll leave it at that. Thank you, Mr. White.

CHAIR GUZMAN: So Option 2, Members?

COUNCILMEMBER HOKAMA: Chairman?

CHAIR GUZMAN: Mr. Hokama?

COUNCILMEMBER HOKAMA: My understanding of Option 2 is besides special dogs, guide dogs, hearing dogs, service dogs, this, Option 2 would allow any dog?

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COUNCILMEMBER COUCH: In an outdoor pavilion.

CHAIR GUZMAN: Ms. Savage?

MS. SAVAGE: Thank you, Chair. So this, just to put this back into context, this is Item No. 5 and it starts off with "within the limit of any park or within any recreational facility, it is unlawful for any individual to," and then it would be No. 5, "bring dogs into recreational facilities."

COUNCILMEMBER HOKAMA: Okay, okay. I support that, Chairman.

CHAIR GUZMAN: Okay.

COUNCILMEMBER HOKAMA: For me, one, it's easier for our employees to enforce a black and white policy. For me, you know, if we allow a general dog, then what are we gonna say to the resident that says, I just have one general cat. It's my pet. I don't want to get into, again, argument, what is the pet? What qualifies as a pet? Because on Oahu, we even had people with potbelly pigs arguing the point of a pet, okay. And then it comes...it went to court, and even the judge had a hard time on that kind of policy. I would just like to make it easy so that our employee doesn't get caught and has to make an interpretation of one upset resident saying why can't I be allowed to do this since this is what I understand the policy. I like black and white. And for me, hey, there's a lot of people that have allergies. And me, I have that allergy, and so for me I prefer to make it simple and just say no.

CHAIR GUZMAN: Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And I share those allergies with Mr. Hokama. And it just kinda...I get concerned when I go on a plane and somebody brings their dog on there. But that brings a point. We talk about service dogs all through this thing, and in fact, nowadays there's service animals. And they don't have to be dogs. They can be cats. They can be...I heard one person who runs, who helped run a hotel, and not Mr. White, but said they had to let the ADA...or wasn't the ADA, or somebody, said that a Shetland pony was considered a service animal. And so they had to have space for that in the hotel. So, and it's getting pretty loose because you can't ask anybody for their, you know, if you carry your dog into wherever, we can't say, oh, is that your service dog or anything. If you say it's your service dog --

CHAIR GUZMAN: Right, right.

COUNCILMEMBER COUCH: --we can't ask. So it's getting real crazy.

CHAIR GUZMAN: So are we back to Option 1?

COUNCILMEMBER COUCH: I'm thinking --

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CHAIR GUZMAN: Not allowing --

COUNCILMEMBER COUCH: --not even service animals.

CHAIR GUZMAN: --any, yeah, and dogs, outdoor or indoor in the pavilions.

COUNCILMEMBER VICTORINO: Yeah, but, Mr. Chair, I tend to agree...I disagree with my colleagues 'cause if somebody has to have a service animal, I mean someone who's deaf, someone who's blind, I mean how are you gonna stop them?

COUNCILMEMBER COUCH: Right.

COUNCILMEMBER VICTORINO: I think we may be taking...and I understand. Every time we do something, there is a reaction, or there is an impact someplace. Okay, fine, I'm cool with that. But when it comes to service animals, if it's a true service animal, and again, if somebody wants to bull cocky us, they can, but I believe we gotta allow service animals. That's why I rather have Option 2, instead of saying, nothing at all.

CHAIR GUZMAN: Okay. Ms. Cochran, I know you're a dog person.

VICE-CHAIR COCHRAN: Yeah, yeah, I think they should go everywhere. But, no just kidding. The service types, definitely there's a need, and people have handicap, you know, they have disabilities and they need that service. And to have 'em not outdoors either, that's...you can't go to the beach park and have your pet with you? I mean, surfing, dogs, ukuleles, and a surfboard go hand in hand. You gotta have all those together. I mean, come on. It's not a day at the beach, you know. So I...that's...so I'm in favor of at least the service-type animals.

CHAIR GUZMAN: Yeah, and we do cite in the language, 6.05.010, which is identifying the service dogs, the categories of service animals, right. Okay, well, aside from Mr. Hokama, is there anyone...

COUNCILMEMBER HOKAMA: Chairman?

CHAIR GUZMAN: Yeah, Mr. Hokama?

COUNCILMEMBER HOKAMA: And again, yeah, don't get me wrong. I don't have a problem with the service dogs.

CHAIR GUZMAN: Okay, okay.

COUNCILMEMBER HOKAMA: My point is that, even with service dogs, as long as it is properly leashed and properly handled by its owner, I don't have a problem 'cause it's on a leash that every dog should be, according to law.

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CHAIR GUZMAN: Right.

COUNCILMEMBER HOKAMA: So as long as they're following the requirements, and the owner can handle the dog, I don't have a problem because they're very well-trained animals. You know, they know to be quiet. They know not to just jump in front of somebody. You know, they're very well trained. And my experience with service dogs is that sometimes they're even better than the masters so I don't have a problem with the, with that.

CHAIR GUZMAN: Okay, so good, good, good. So then without objections, we'll go with Option 2 with allowing the service dogs?

COUNCILMEMBER VICTORINO: Well, are we gonna use service dogs, or service animals?

CHAIR GUZMAN: Oh.

COUNCILMEMBER VICTORINO: Yeah, I mean that was the topic of the discussion and...

CHAIR GUZMAN: Okay, it's service animals.

COUNCILMEMBER VICTORINO: And I would like to see if we do service animals, that all of them are leashed. If it's a cat, sorry. It's service, you have to have it leashed. If I'm gonna ask a dog to be leashed, right? I mean you guys wanna take it umpteen, I'm taking it.

COUNCILMEMBER HOKAMA: No, I think he get good...Chairman, I think he --

CHAIR GUZMAN: Oh, yeah.

COUNCILMEMBER HOKAMA: --has a good point. So don't forget when we come to fees and schedules, 'cause right now we only require dogs to be licensed and tagged.

CHAIR GUZMAN: Oh, that's right.

COUNCILMEMBER VICTORINO: Yeah, maybe we should do that too.

COUNCILMEMBER HOKAMA: Interesting, yeah?

CHAIR GUZMAN: Yeah, Ms. Sheppard?

COUNCILMEMBER VICTORINO: Ms. Sheppard, sorry.

MS. SHEPPARD: May I...I'd like to just clarify a little something. Under 6.050.010, the definition for service *dog* is service *dog*. But animal also means dog. There is no

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restriction in this guide, signal/hearing and service dogs requiring people to have them on a leash. So if you want to have a change to Chapter 6.05 to require them to be leashed animals, that might have to be taken up with 6.05 rather than put into 13.04A saying you have to have your service animal leashed. The best change that you might want to make if you choose Option 2 is to change the first “dogs” to “animals.” Bring animals into recreational facilities excluding outdoor pavilions, except for guide, signal/hearing, and service dogs, as defined in 6.05.010. That would be a workable definition.

CHAIR GUZMAN: Okay. Is there any objections that we delete “dogs” and just include “animals?”

MS. SHEPPARD: Just that first “dogs.”

COUNCILMEMBER VICTORINO: The first, yeah, the first “dogs.”

CHAIR GUZMAN: Yeah, just the first, bring “animals,” that’s what it would read, “bring animals into recreational facilities,”

COUNCILMEMBER COUCH: Right, fine.

CHAIR GUZMAN: Okay?

UNIDENTIFIED SPEAKER: No objections.

CHAIR GUZMAN: Okay. No objections?

COUNCILMEMBER VICTORINO: No.

CHAIR GUZMAN: Okay, thank you, Members. Moving on. So we’re gonna...so the next issue that we had with the Members is, Ms. Savage?

MS. SAVAGE: Page 17.

CHAIR GUZMAN: Page 17, Members.

MS. SAVAGE: Page 17 is the Recreational Program Fund, and this had been discussed as the possibility of having the Department try it out on a trial basis with a budget allocation first. And then provided the fund works, then look at creating the fund after it’s been tested in the Department for a while. So these two options, the first would be to again leave the language as is which would create a new program fund. This would be primarily used for the ability to run more leagues, and so they’re, in this last Fiscal Year ’16 rates and fees budget, there was fees that were allocated per team, per sport so that it’s a direct expenditure of the league that would be charged back to the participants. And this would allow the Department to hopefully offer more league-type

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of play in the different districts without it just being taken directly out of our operating budgets. The second option would be to delete the language, and then the Department would submit a budget amendment for the cost to start running some of these, and then after it ran, the fees that would be collected would go into the General Fund, and then once that was utilized for a while, if it was something that worked, then we would come back to ask for this language to be included and the fund to be created.

CHAIR GUZMAN: Okay. I believe Mr. Hokama was here during that discussion, and so the Committee recommended, and good that you put it in green here, Committee recommends seeing that this start as a pilot program initially. I think that's what...Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Mr. Chair. I like to think of myself as the glass-half-full kinda guy. I'm thinking, I would like Option 1. And we as an entity here can keep an eye on them to see if they're abusing it, but I'd rather put it in, and so we don't have to go back and make changes if it's working, which I'm anticipating it's gonna work. I have no doubt that it's gonna work, but if something happens, if somebody, you know, goes awry, then we can, you know, on the off-chance that that happens, then we can go in and say, no, we gotta pull this out, and you guys screwed up. I don't think you guys are gonna screw up. I have full faith in the Department that they're gonna do it right. So I would rather...and then put it in, leave it in, and only as an exception take it out if there's a problem. That's just my thought for the other Members to consider. Thank you.

CHAIR GUZMAN: Members, can you weigh in at this point? Ms. Cochran?

VICE-CHAIR COCHRAN: No, I agree.

CHAIR GUZMAN: Ms. Crivello?

COUNCILMEMBER CRIVELLO: So there's no limitation on type of league? It's league, period, whether it's adult softball, or Little League, or PALS, or Pony, Mustang League, it doesn't matter, right?

MS. SAVAGE: So this primarily would tie into the recreational leagues, and so we had...I'll find the page of that definition. We had separated leagues into four different categories.

COUNCILMEMBER CRIVELLO: What page is this?

MS. SAVAGE: So this primarily would be the adult leagues immediately that this would impact. So these were leagues that the Department used to be able to run more frequently, but it was 100 percent subsidized out of our operating budget. And over the course of the years, we weren't able to fully support and subsidize those program

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anymore, and so they were cut out. And we'd like to be able to offer those programs again, but we don't wanna be 100 percent subsidizing them. So we had calculated the fees that are listed in the budget ordinance per sport. And we did that based on the cost of the officials, the cost of the equipment, and then calculated at a per-game rate. So that if we established that maybe there's an adult softball league that wants to run, and they're gonna run for eight weeks, and they're gonna play ten games per team, we can calculate out what that cost is, and then the teams can then pay that or divide it up per person. And then we could collect that so it goes into that specific fund so that when we needed to hire officials or scorekeepers or, you know, purchase specific equipment for that league, we would be able to use that fund directly, as opposed to our operating monies.

COUNCILMEMBER CRIVELLO: But there is...is there any way that specifically defines it as adult leagues?

MS. SAVAGE: On Page 11, the third from the bottom, is the definition for recreation league, and it does not identify directly that it's an adult league, no. So it's "Recreational league" means any leagues organized by the Department which assess registration or participation fees used solely to offset operating expenses such as equipment, officiating, and expenses through the Recreational Program Fund.

COUNCILMEMBER CRIVELLO: Is it necessary then for us to define for purposes of...you have different kind of league that are sponsored by the Department, like Bidy Basketball. I guess Little League is not necessarily sponsored by the Department. I'm just looking at youth programs, and maybe personnel would define it as such, and then there's confusion. I mean...so I'm just asking if there can be a sense of defining as you define it. Recreational programs are equal to adult programs sponsored by the Department. So it excludes, perhaps, youth programs.

MS. SAVAGE: Thank you, Chair. So there's, I guess, kind of some of the rationale and the reasoning as we were going through this thought process to develop the different types of leagues is right now the need for this Recreational Fund is for the adult programs. But that's because we have a lot of nonprofit organizations that we work with that provide the recreational activities for the youth programs. If we came across a youth program that there was no one providing, and we said as a Department we wanna meet this need, or we think that there is the opportunity to do a new type of program, we could still do it as...it could be done as a recreational league, or as we do most of the other types of youth, or senior, or inclusion activities, it may fit into more of a Department league which we defined, which means it's 100 percent organized and funded by the Department. So there wouldn't be any registration fees assessed to that. So that's similar to like the Menehune Program that is the middle school basketball, that's a Department-sponsored league. The Makule Softball league is the same way. There's no fees or registration assessed by the Department, but we organize it. We pay for the equipment. We pay for the scorekeeping, the officials, all of those types of things. So that's kind of where, by creating the four different

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categories of leagues as we did, a community league, Department league, partnership league, and a recreational league, it allows for all the different types of uses that are currently going on, as well as the needs that we see that we want to be able to meet. It allows for a different kind of category for each of those different types of activities. In the Administrative Rules process, there'll definitely be more details and possibly examples, and that might be something that at this point...I mean maybe it needs to be in the Administrative Rules defined as adult programs. And then if there was...I think the difficult part with recreation is it changes so frequently that we don't want to put in language that in a couple years from now prevents us from being able to provide for the community in the way that we see the needs are. So I think the Department would prefer not to define recreational league as only adult leagues in the Code. But we could look at including that type of language in the Administrative Rules 'cause then those can be changed a little bit quicker and a little bit easier if we come across that need as we're working with the community for different events.

COUNCILMEMBER CRIVELLO: Yeah, thank you.

CHAIR GUZMAN: Okay. Mr. Hokama?

COUNCILMEMBER HOKAMA: Chairman, for me, and I've had my discussions with the Director, preappropriated things is something that departments must earn the trust of the Council. That's why we give preappropriated approval. For me, I'm not ready to grant the Department this consideration. I think one, they can implement this component through rules. It doesn't need to be in Code at this time. One...and second, I like the annual review currently, Chairman. I can tell you when I started Budget Chair, what, 14 years ago, lot of the Members had no clue about special funds because it was not part of the normal budget review process, okay. And even this term, until Budget Committee assign every standing committee the request to go and look at the subject matters, special funds regarding all pre-appropriated, when you add it up, there's a lot of money in this funds, okay. And unless we take a review which we normally don't, how do we account for those funds? You know, this is a new, something new, something different...the Department, and my thing is we still can be supportive, allow them go through it, and through our annual review, see if this is something we wanna grant that preappropriation authority to. In the meantime, the Department through rules, can make those appropriate adjustments on the short term to make it even more effective and more operational, workable. And then the Director may say, I'm ready for an ordinance. We worked out the kinks through the rules. We worked this out, we've adjusted it. After two years, we see a way of incorporating the youth with adult league, or whatever it be, and we're ready for a consideration of ordinance. I'm happy to support that type of effort 'cause they got the track record, and they'll get their documents and facts of experience to support their request. So I prefer to go that way, and allow the Department the time to work out the kinks internally through just Administrative Rules, Chairman. Because one of these things is, again, how each component will support the enterprise efforts of the Department. Because like I said, I see this to be a boon for the County whereby

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through the revenue sources, we'll be able to address some of the issues that maybe Mr. Victorino has with nonprofits and charitable events. And one way to help support those is by having a revenue stream that is more than sufficient to take care the Department's requirements. And that is what I'm looking for, and that is why I push hard for concession and pouring because whatever is served on County property will be what we authorize and license in return for revenue, okay. And I want that to be under the control of the County, not event sponsors, okay. This is the County's money. So this is how I'm looking at it, and I think if we do it well with the Department's energy that I see from the two Directors, I see more revenue than expenses, Chair. Thank you.

CHAIR GUZMAN: Thank you. Mr. Victorino?

COUNCILMEMBER VICTORINO: No, I thank Mr. Hokama for that clarification. I think this is something that's...I'm willing to look at. I believe...again, so long as we don't take away from those who are what I would say majorly impact, you know, the young, the youth, and our kupuna, who depend on some of these events. Let's look at the event such as the Maui Invitational. If so, let's say, we have Pepsi as the sponsor for drinks. You know, let's use that as an example, in the County facility. But the Maui Invitational uses Coke as their main sponsor throughout the nation with other events. Now we have a conflict with that issue. So, again, buyer beware. Be careful what we wish for because when you get it, you're not gonna be happy with it. But I'm willing to look at it. I think it's important. You know again, we wanna keep consistency, but we wanna allow the opportunity whenever and wherever it arrives at for our nonprofits and our youth leagues, and our kupuna to be able to continue. Because, you know what? If they don't get that money there, they're gonna come back somewhere else, and maybe they'll be coming right up to that podium and asking for more help. So we either pay Peter here, or we pay Paul there. That's where I'm coming from. So I just wanna make sure that that's clear. I'm willing to look at it. I'm willing to work with it. I think that's something important. I've never been one that closed my mind to any ideas. But, again, let's make it feasible enough, and fair enough that we don't hurt the most vulnerable part of our community. Thank you, Mr. Chair.

CHAIR GUZMAN: Thank you. Well, it sounds as though that the Committee is split. Or at least that we don't have consensus on it. So let me ask the Department, are you really set in having this Recreational Program Fund, or would you agree that we'll try out a pilot program and see if it works out?

MS. SAVAGE: The Department's open to either way. We just wanna be able to do the leagues. So whether it's...we're fine with coming back with a budget amendment and running it in house, and making sure that it's working the way we think it'll work. And then when we get that down, coming back at that point. Yeah, we're...that's fine.

CHAIR GUZMAN: And you can have more of the data, or at least the economics at least worked out and then present it to us. Yeah, I think I would be agreeable to that. But

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we'll just keep this on hold as well as the other provision 'cause it's...we don't have consensus on this one. So moving on.

MS. SAVAGE: Page 18 is the next change, down at about the third of the way down under No. 6. So this is in reference to, on the left-hand side, within the limit of any park or within any recreational facility, it is unlawful for any individual to feed any animal or animals, or stage any food or water for any animal or animals, except as provided in Subsection D. And this also connects on a little bit further we'll reference it again on Page 20. But the...some of the discussion that came into play around this topic was...I mean we have the issues and the concerns with animals being fed on the Parks' property. But in further discussion with the Maui Humane Society in looking a little bit more at some of the data and the literature behind feeding bans or feral animal colony bans, it was kinda identified that just creating a ban straight out isn't really gonna get us to the solution that we're looking for. And so the language that we would like to propose would be moving this item No. 6 into Section B, instead of in Section A. And the difference is in Section B, then it's "Except as otherwise authorized by a permit, license, lease, or contract issued in accordance with the Code, within the limits of any park or recreational facility, it is unlawful to." And we would also like to add in the other item that we discussed which is referenced on Page 20 which is the "Feral animal colonies shall not be maintained or established." So what we'd like to recommend is, and this is listed in Option 1, is moving both of those into Section B, so that they're not allowed unless authorized by permit, license, lease, or contract issued in accordance with the Code within the limits of any park or recreational facility. By adding those two in there, we would then look at taking...essentially it's a management type of concern, with how do we manage this into a solution that works for the community and for the County. And so we would look at in the Administrative Rules, addressing these processes further and working more closely with Maui Humane Society to establish maybe its best practices, or there's some type of permit or agreement that's issued by the Department if we identify that there are certain areas that there are feral animal colonies that need to be properly managed and properly maintained. So that would be Option No. 1 which would be the recommendation of the Department. Option No. 2 would be to leave the language as is, and Option No. 3 would be to just delete this item No. 6.

CHAIR GUZMAN: Yeah, okay, Members, I know that it seemed that at our last meeting Option No. 3 is out of the question because it sounded as though you didn't want feral colony animals roaming around in the parks.

COUNCILMEMBER COUCH: No objections.

CHAIR GUZMAN: So I...the proposal of Option 1, is there any objections to that? Basically allowing these animal colonies to be in existence, and allowing feeding of animals on the Parks' lands only if there is a permit or...what is this Section B, contract issued to allow that entity, maybe Humane Society, to feed those colony, animal, cats, or birds or whatever we have there. Mr. Hokama?

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COUNCILMEMBER HOKAMA: Chairman, this is easy for me. This is black and white. I don't support any type of feral animals in any County public park. That's all I need is more lawsuits in case somebody gets bitten, scratched, rabies issue, you know. That's all I need now is more litigation for the County. I think we should be consistent and just not allow any such colonies or feeding of those animals within County parks. I find them to be a nuisance and a health issue. And therefore, you know, my thing is if it's a problem, I don't have a problem with eradications in County parks.

CHAIR GUZMAN: So Mr. Hokama is in favor of Option 2. Any other comments from the Members? Are we all in agreement for Option 2? Are we...hello?

VICE-CHAIR COCHRAN: Chair?

CHAIR GUZMAN: Mr. Couch?

COUNCILMEMBER COUCH: As I understand it, Option 2 is basically no feral colonies at all.

CHAIR GUZMAN: Right.

COUNCILMEMBER COUCH: Even with a permit.

CHAIR GUZMAN: Right.

COUNCILMEMBER COUCH: Whereas Option 1 would be essentially you can have feral colony with a permit, or a contract, or license, or lease. Who makes that determination?

CHAIR GUZMAN: Department?

MS. SAVAGE: So that would be what needs to still be fleshed out and determined. And we would do that through Administrative Rules and by working more closely with the Maui Humane Society. I think just to kinda make a note that we already have feral animal colonies currently on Parks' property. And so the question becomes is how do we, again, how do we deal with that, and how do we manage it in a way to where they're not increasing and continuing to create more of the issues that we currently have. So it's looking at how do we start managing them so that it can, you know...I don't know what else to say besides manage, but how do we manage them to get them more manageable? So that it's a situation that's not the way we kinda see it right now, and then it's continuing to go in a direction that we don't wanna see it continuing.

COUNCILMEMBER COUCH: So, Mr. Chair, what, I think what's she's saying is if we go to Option 2, where we leave the language as it, then we have to have some sort of program to get rid of the feral colonies that are there. While that sounds, you know,

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doable, it's my understanding that's really hard to do. So I guess I'd like to hear if we could, Mr. Chair, from people who are supposed to be experts at this as to if we say eliminate 'em, too bad, they're gone, get rid of anything, all the cats. And then you gotta...then you've really got the issue is what's a feral bird? All birds are feral, right? So...

CHAIR GUZMAN: That was my...

COUNCILMEMBER COUCH: Yeah, I know, that was your thing, so feral...

CHAIR GUZMAN: I was like I...because the original language, Option 2 --

COUNCILMEMBER COUCH: Of course, a bird is not . . . *(inaudible)*. . .

CHAIR GUZMAN: --basically says that you can't feed any animals.

COUNCILMEMBER COUCH: Right.

CHAIR GUZMAN: And I said, well --

COUNCILMEMBER COUCH: Your birds, right.

CHAIR GUZMAN: --sometimes I feed the birds my sandwich here. And then you guys were like, yeah, you can't feed the birds.

COUNCILMEMBER COUCH: So anyway, if it's at all possible, can we get somebody to --

CHAIR GUZMAN: Yeah, why don't we --

COUNCILMEMBER COUCH: --speak on that?

CHAIR GUZMAN: --bring in the Humane Society? Oh, here we are.

COUNCILMEMBER COUCH: Speaking of the devil.

COUNCILMEMBER VICTORINO: They're sitting back there for the last two hours.

CHAIR GUZMAN: I apologize. Why don't you come down and...is it all right, Members, without objections --

COUNCILMEMBERS: No objections.

CHAIR GUZMAN: --if the Humane Society weighs in, or at least gives their point of view here?

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MS. BRYANT: Good afternoon, Chair. Good afternoon, Committee Members. My name is Jerleen Bryant, CEO with Maui Humane Society. Thought I was just gonna sneak in and listen today.

COUNCILMEMBER COUCH: Yeah. So, Mr. Chair, I do have a question for her.

CHAIR GUZMAN: Yes, go ahead, Mr. Couch.

COUNCILMEMBER COUCH: You've heard the discussion a little bit. I think there's more than one of us. There's at least two of us, and maybe more, that would just like not to see any feral animals --

MS. BRYANT: Sure.

COUNCILMEMBER COUCH: --in the parks because of all the issues that come with that. What's the reality of that happening if we were to pass that?

MS. BRYANT: It's very challenging. We would certainly like to see improvement at the parks, certainly. Kanaha would be our biggest challenge of recent. After several conversations with Brienne, we are both in agreement that simply placing a ban does not...is not realistic. It does not help us achieve what we all would like which is less animals at the park. If we create a ban, the animals will not go away. People...some people will continue to feed. We won't know who those people are. We won't have a way of communicating with them because they won't make themselves known to us because it will be illegal. Some people will abide by the law and will stop feeding. Those animals will be more of a nuisance because they will travel further out, and be more of a nuisance begging for food because they're starving. So it's challenging. We're in support of guidance and oversight. If we have...if there is some sort, and I don't know what it is, but some sort of permit, or approval, or certification, or something, then we know who those people are. We know...and they take responsibility for those animals. We know where they're feeding. If there's a problem, we know who to go to. And when I say we, I don't necessarily mean Maui Humane Society. I mean the powers that be, the Parks Department. We...where it would benefit Maui Humane Society is that we would then, if we wanna go in and trap and sterilize animals, we would know who to contact to say, this is the plan, do not feed. We need you to not feed for 48 hours so that we can trap those animals and get them and sterilize them, which by the way that is not one of our mandated services. That's a Maui Humane Society service for the community. So to me, that's a successful step in the right direction. And the Maui Humane Society as a whole would support that, and be of any assistance to the Parks Department in implementing and moving forward with that.

CHAIR GUZMAN: Thank you for the question.

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COUNCILMEMBER COUCH: Thank you, Mr. Chair. I mean, I understand that that's what the issue is, but one thing you mentioned that I thought we put in the budget this last fiscal year, was wasn't there a section for feral animal control, or was it for feral chicken control?

MS. BRYANT: It says feral animal, and it doesn't say control, feral animal program. And...

COUNCILMEMBER COUCH: I'm pretty sure it was the intent of this body --

MS. BRYANT: Okay, sure.

COUNCILMEMBER COUCH: --to take...

MS. BRYANT: And...

COUNCILMEMBER COUCH: Okay.

MS. BRYANT: Yeah.

COUNCILMEMBER COUCH: Thank you.

CHAIR GUZMAN: Yeah, so...

COUNCILMEMBER COUCH: Thank you.

CHAIR GUZMAN: Yeah, so basically, you know, we're still back to, you know, Option 1 or Option 2, which is...I guess Option 2 is leaving the language as is, which means no feeding any animals, and no establishment or maintenance of feral animal colonies. And then if we went with Option 1, that would allow a permit process, and I don't know how that's gonna work out, to allow an entity or a person to maintain these colonies, or be able to feed these animals. Where...my question to you is, what is the ultimate goal? Is for them to reduce the population of these animals in the parks, and how do you do that if you're keep maintaining, and feeding them?

MS. BRYANT: Through responsible management. So you can have people going and feeding animals all day long, but they're not...feeding is different than maintaining or managing a colony responsibly. And colony just is a group of, a group, an individual group of cats. Responsible colony managers trap, sterilize, trap and take cats and seek medical care if they're sick. They keep a clean area for their animals, and they feed on a schedule, and it keeps the animals from roaming. So if you simply have a feeder, that's not helping. That's not maintaining a colony responsibly. So responsible colony managers see their colonies actually decrease in size. That's very doable. But if you have someone who is not responsible, who's simply just feeding, then that's not helping to reduce the numbers. And if there was some sort of oversight, then we would be able to be in communication with colony managers,

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educate them, give them resources that they need such as a place to take those animals to have them sterilized at a reduced cost, or free, versus retail at a veterinarian because most people cannot and will not do that. So if they were maintained responsibly, we would see the numbers actually decrease. Another problem at the parks is people...is the dumping of animals. That will continue to happen. We need signage, and we need it to be very clear the consequences for dumping an animal on Parks' property. And I think many people don't realize that that's illegal.

CHAIR GUZMAN: I have a question for--hold on--for the Department. Did the other jurisdictions have this type of ban, like no feeding of animals, and no establishment and maintenance of colonies?

MS. SAVAGE: Meaning other state, other county --

CHAIR GUZMAN: Other states, other...like...

MS. SAVAGE: --jurisdictions?

CHAIR GUZMAN: Yeah, other jurisdictions, Honolulu, things like that

MS. SAVAGE: We didn't research that specifically with how other, I guess, counties in the State were specifically dealing with this. There was some literature that we read just in general about, you know, kind of government agencies trying to deal with and manage these types of issues. And all of that information directed back towards, you know, just banning it sounds like a good idea, but it doesn't necessarily lead to the end result that you're trying to obtain.

CHAIR GUZMAN: Right. Ms. Crivello?

COUNCILMEMBER CRIVELLO: Thank you for being here. And what I'm hearing from you is to have some sort of oversight for colony management. But my question, I guess to the Department, do we have the capacity, do we have the expertise to have the oversight because bottom line, it's really gonna be Parks Department. Or is this something, Chair, that you'd like for us to kind of work with through my Committee under animal control? Is that something that we'd like to have further discussion on as to who really has oversight? And how do we control the colony in parks, you know? And if there is the dumping of animals that's illegal, who's the enforcers, you know? And I think there's a lot of questions that come out of this, and it can get out of hand with some people who just have the empathy to just feel like they need to feed all of the feral animals, 'cause the chickens is a big nuisance also, you know. So, okay, thank you.

CHAIR GUZMAN: Anything...Mr. Couch?

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COUNCILMEMBER COUCH: Yeah, if nobody else has. All right, my concern as Ms. Crivello brought up, all of a sudden now, you know, the word “responsible management,” et cetera, is coming up which means it has to be overseen by somebody which means more money from somebody, versus Option 2 which says just take ‘em all out. So that is something that I think Ms. Crivello is correct. We need to discuss that in rather large detail in her Committee I would think on animal control because right now if we were to say just take ‘em out, that would be very difficult ‘cause we don’t have...

CHAIR GUZMAN: I think Option 2 basically says not the removal, but no feeding and no maintenance or establishing of these feral --

COUNCILMEMBER COUCH: Right.

CHAIR GUZMAN: --colonies, sorry.

COUNCILMEMBER COUCH: As she says, you know, if you don’t feed ‘em, they’re gonna go and be a bigger problem so I think another Member was advocating other ways of reducing the population.

CHAIR GUZMAN: Straight out eradication kind of deal. I guess, you know, one of the other, my concerns is, how many...okay, if we’re gonna reduce the population, how many years does it take to reduce it to a very minimal size where it’s not a nuisance anymore? You know...

MS. BRYANT: I suppose that’s subjective how...it would depend on the number of cats, and then what is an acceptable minimal size. I can tell you that trap, neuter, return, and manage is successful. It’s been successful around the country in cities, towns, and parks. But it has to be done properly. If you ban feeding, then you would have...I guess, the same investment would...or the same question could be posed, how do you enforce that? That’s going to take resources to enforce the ban of feeding, and you’re going to have starving animals, and a lot of people opposed to that. The Humane Society wants nothing more than to see low numbers at the park, and two years ago we launched a campaign to do that, to go in using our own funds, and trap and sterilize. It was incredibly challenging because of the homeless population, and they essentially shut us down, so.

CHAIR GUZMAN: Mr. Victorino?

COUNCILMEMBER VICTORINO: Yeah, thank you, Chair. And thank you very much for those insights. I mean, you know, I think as has been mentioned by my other colleagues, this is not something simple, and not going to be able to make a decision today, whether it’s Ms. Crivello’s Committee that we need to do an extensive review of it. But I will say that we can maybe, you know, spay and neuter dogs and cats, but how about chickens and birds and everything else? I don’t know that program. You know, there are certain areas of certain types of feral animals that will not be

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connected to what we're trying to accomplish. And we have that chicken population which has grown exponentially all around this County.

MS. BRYANT: Yeah.

COUNCILMEMBER VICTORINO: We're close to Kauai now, and that's not something to laugh about anymore.

MS. BRYANT: No.

COUNCILMEMBER VICTORINO: It's become a health issue in many areas, and a nuisance. Those crows are crowing...them roosters are crowing at 4 o'clock in the morning. Let me tell you, there's not some happy people about that. So, Mr. Chair, I think, you know, the discussion is good. I think at this point, Option 2 probably would be my choice. But I mean, again, there's much more work that needs to be done. I think it's not something that I'm going say, yeah, that's it, that solves the problem. I think most importantly is we understand the problem, and maybe we've got to put some resources behind our talking about the problem, and see what we can do to reduce the problem. You know is coqui frogs. There are places on the Big Island, you laughing, mister, but coqui frogs are protected. I think I getting the signal, they need one break. You know, always on my watch they want a break.

CHAIR GUZMAN: I'm so sorry, Mr. Victorino.

COUNCILMEMBER VICTORINO: No problem, no problem. I'll continue after --

CHAIR GUZMAN: Other Members need to take a break.

COUNCILMEMBER VICTORINO: --we get our break over.

CHAIR GUZMAN: Yeah, we'll...

VICE-CHAIR COCHRAN: Chair? Chair, real quick.

CHAIR GUZMAN: Ms. Cochran?

VICE-CHAIR COCHRAN: And I...thank you, Ms. Bryant, for being here today. So that was my question and Mr. Couch started it a little bit in regards to what is this management system? Is it in play, and it says for a future, and you're saying this is how it could be monitored and responsible colony managers, and permitted license, whatever, contractors. So there's a whole lot of work to be done in that aspect. But I think with that, you know, with that collaboration, something can work out. I understand the point 2, just none at all, go away, never come back again. But we know the reality. That doesn't happen, and yes, people are dumping, so you're gonna have this situation. Now enforcement, as you say, signage. How do we make sure

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people, you know, get ticketed or whatever, penalized for doing that, and stop that? But in all of this, I think in the end, the message out there needs to be that we're not trying to create colonies. We want to assist and make sure the ones that exist are healthy and not a nuisance, and what have you. But we're not trying to say, hey, yeah, come one, come all, let's continue to keep these alive, and keep them growing either. So I wanna make sure that whatever we choose, and we have to do something with existing, but make sure we're not putting that message out that, hey, this is...we really love this. We want continue to make this, that's not the case. We wanna take care of what's here, but we're trying to phase it out one day, and make sure that every animal that exists has a happy home, and not out in the wild or wherever --

MS. BRYANT: Thank you. That's...

VICE-CHAIR COCHRAN: --and things of that nature. So that's where I'm kinda like, I'm not for the all-out ban, let's not go there. But we have to assist what's....because it's an existing issue, you know. And every day I see cats from a colony get run over. They live on the side of the road. I mean they don't have homes to go to. They're scurrying across the street every day, across our busy highways. So the people wanna take care 'em, but, you know, they're not truly taking care of 'cause they're not in a home, per se.

CHAIR GUZMAN: Well...

VICE-CHAIR COCHRAN: So those are my comments, Chair.

CHAIR GUZMAN: Thank you. That, which brings up a good point is that I guess I would be agreeable to Option 1 to allow a permit, but it has to have language that says on condition that it's a reducing of the population. It's not...

VICE-CHAIR COCHRAN: Yeah, I just wanna protect...yeah, we're not perpetuating it.

CHAIR GUZMAN: I mean...yeah, perpetuating it. It's --

VICE-CHAIR COCHRAN: You don't wanna perpetuate this.

CHAIR GUZMAN: --gotta be, okay, we'll --

VICE-CHAIR COCHRAN: Right? I mean, we're trying to just...

CHAIR GUZMAN: --allow this permitting of management of these colonies on condition that it's a reduction of the population of the colonies, not a full outright, you know, allow them to grow in population, you know. So I'm kinda mixed as well. Mr. Couch?

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COUNCILMEMBER COUCH: Thank you, Mr. Chair. And if you go that route, which is probably the preferable route, you have to have some sort of oversight as Ms. Bryant was saying.

CHAIR GUZMAN: Right.

COUNCILMEMBER COUCH: Otherwise you are gonna get the growth. So I'm guessing that in the permit process, either in Administrative, probably Administrative Rules, they would work with the Humane Society and come up with a way to handle the oversight. What that means in extra funding, I don't know. That would be left to be seen. Or if they can do it within their...already their purview. But we can't just say, yeah, Ms. Savage is a permitted colony feeder, and then just let her go. It has to be have oversight, and training, proper training, et cetera. So if we do Option 1, that's what we have to consider.

CHAIR GUZMAN: Okay, so...well, I'm not sure whether this Committee's ready to move on either option at this point. So why don't we defer this one, this category, and move on. I'm gonna try to get as much agreed upon language in before...we have to stop at 4 o'clock, Members. And this will be...

VICE-CHAIR COCHRAN: Chair?

CHAIR GUZMAN: Yes?

VICE-CHAIR COCHRAN: Okay, real quick question before we move on off of this topic, though. Is there any timeline in your folks Department's mind to start working, or to start looking at this at all, and trying to figure out this management system that's stated in this Option 1?

MS. SAVAGE: Thank you, Chair. We are planning on moving in to our Administrative Rules literally the day of second reading of whatever changes come out of these proposed Code revisions. So we, as a Department, in order for us to move forward and get into...I mean a lot of the topics that continually come up that are more of the fun things for us in Parks, we wanna get into those. But this has to be kinda completed first, and dealing with some of these issues and looking at different, again, just different ways of managing things than how we've operated in the past in Parks. And some of its topics in areas that we maybe have, you know, no previous experience in or direct expertise, but we'll rely on, you know, different resources within the community, or finding different ways to educate ourselves on how can we deal with the different issues. So the Administrative Rules process, again, would be something that we'll be in the midst of literally as soon as whatever Code revisions come out of the Council. And at that point, we would be beginning the discussion specifically for...if Option 1 was included, that would be a part of the discussions that we would be starting.

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VICE-CHAIR COCHRAN: Okay, very good. Thank you.

CHAIR GUZMAN: Okay. Thank you very much.

MS. BRYANT: Thank you.

CHAIR GUZMAN: Ms. Savage, can we move on with the next section?

MS. SAVAGE: Page 19. So the following pages are next. Listed under No. 14, so this is in the prohibition section, this is listed under Item B which is, again, except as otherwise authorized by permit, license, lease or contract issued in accordance with this Code, within the limits of any park or recreational facility, it is unlawful to: No. 14, consume any intoxicating liquor. And Item C under this section was within 1,500-foot radius of the schools and youth centers. And the concern that arose through this was, again, you have different holidays, or sometimes you have youth centers that are open on weekends. And so it's hard to just stick with the straight from 6:00 a.m. to 10:00 p.m., you know, except on weekends and State and County holidays. So the proposed language that we have for Item C would be, "within a 1,500-foot radius of the boundary of any public, private, preschool, kindergarten, elementary, intermediate, middle, secondary, or high school, or youth center."

CHAIR GUZMAN: Okay.

MS. SAVAGE: And what this would mean is that it would be prohibited within that radius, unless authorized by, again, a permit, license, lease, or contract in accordance with the Code.

CHAIR GUZMAN: Okay, I believe this was Mr. Victorino's, yeah. Any objections to that language, that proposed language? Mr. Hokama?

COUNCILMEMBER HOKAMA: I understand the language, Chairman. It just doesn't work for us on Lanai. We have a small, very condensed community, you know, community density. And so when you look at our facilities, 1,500-foot radius, if you just...it's pretty much from one end of the city to the other end, okay. Along Lanai Avenue where we have the senior center, the school, our churches, our restaurants, the few that does serve alcohol. So I would say I would ask that I be allowed to maybe make some language that still can honor the intent of what the Committee would like to consider, but find a way that it fits Lanai, because this language doesn't fit Lanai.

CHAIR GUZMAN: Okay.

COUNCILMEMBER HOKAMA: 'Cause you're gonna ban the whole island basically, and I don't think that's fair.

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CHAIR GUZMAN: Okay, could you propose some type of language that would be more accommodating for Lanai?

COUNCILMEMBER HOKAMA: I would be happy to draft something for the Committee to consider, Chairman.

CHAIR GUZMAN: Okay, thank you very much.

COUNCILMEMBER HOKAMA: Thank you.

CHAIR GUZMAN: Okay, Members, that one we'll also be re-reviewed. So moving on.

MS. SAVAGE: The next item is at the bottom of Page 19. And so this would be where the Director may designate, by posting signs, areas where the following activities are not permitted within any park or recreational activity [sic]. The second one, or this is for Item No. 2, we included ride on roller skates, skate boards, bicycles, mopeds, scooters or similar devices with wheels. So just adding mopeds and scooters into that listing.

CHAIR GUZMAN: I believe this one was Ms. Cochran's. Are you okay with that language?

VICE-CHAIR COCHRAN: Yes, no objections.

CHAIR GUZMAN: Okay, okay.

VICE-CHAIR COCHRAN: I don't need to ride around on wheels anymore, yay.

CHAIR GUZMAN: So we have consensus on that item. So moving on.

MS. SAVAGE: The following changes you see on Page 20. These were part of the feral animal colony and feeding portion. So we can skip over that. The next would be on Page 21. This includes language that adds in the Executive Order numbers for Malu Ulu O Lele Park and Kamehameha Iki.

CHAIR GUZMAN: Oh right, this one was Ms. Cochran.

VICE-CHAIR COCHRAN: Oh yeah, I just wanted to make it consistent with the others 'cause it notated EO'd lands, and Kamehameha Iki Park was not mentioned. So it was just a housekeeping type of item.

CHAIR GUZMAN: Okay, did you see the listing here that's proposed changes? Are those those the parks that you would like...

VICE-CHAIR COCHRAN: I think it was...well, I wasn't sure which were EO'd or not, but I was thinking the Kamehameha Iki and Malu Ulu O Lele was already on here.

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CHAIR GUZMAN: Okay, we have --

VICE-CHAIR COCHRAN: So that's been incorporated.

CHAIR GUZMAN: --Corporation Counsel. Is, did you assist in researching this?

MS. SHEPPARD: No, this was done by Parks.

CHAIR GUZMAN: Oh, by Parks, okay. Does it look appropriate?

VICE-CHAIR COCHRAN: Yeah, so as far as I know, I think these two in Lahaina are proper...is...would I...yeah, that's fine.

CHAIR GUZMAN: Okay, any other objections? Okay, so we're good with that section? Moving on.

VICE-CHAIR COCHRAN: Wait, sorry, Chair, before we move too far on, in regards to animals and what Ms. Bryant brought up about no dumping of animals, would that be here? Or is that somewhere else, or do we have any type of signage? I mean we would think it'd be just common sense that you don't do this, but I think unless there's an actual sign, no one can really enforce, or stop, or, you know, cite someone from doing such action on our park. How would...how does that...where would fall into play?

CHAIR GUZMAN: Department, do we...I don't believe we have a section that says you are prohibited by dumping animals.

MS. SAVAGE: Yeah, so this I believe is in the HRS and then the fine is attached for that through the Hawaii Revised Statutes.

CHAIR GUZMAN: Yeah, so it's a State law. You cannot be dumping animals.

VICE-CHAIR COCHRAN: Okay, so how would that relate to us, though? So we can't be less stringent, but we can be just as...so we can equally be as equal in our rules for our parks, no dumping and here's your penalty.

CHAIR GUZMAN: We can be more strict.

VICE-CHAIR COCHRAN: Yeah, we can be more strict. So I don't...I mean I think that's a good...we need to prevent the root of why those animals get there, too, sometimes. I mean, but I know it's all about enforcement, and who's there to oversee it. But at least there's something there. I've had to, in order to get cars to be ticketed, you have to actually put the sign up. We all know you don't park on a curve in an intersection, but people are. And, you know, the police can't cite them, and we have to put up a sign. Now they can say, hey, no parking. But anyhow, just...

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CHAIR GUZMAN: Well, we'll go look into that.

VICE-CHAIR COCHRAN: Okay.

CHAIR GUZMAN: And see where that's some place where we can put that. But it's a good point.

VICE-CHAIR COCHRAN: Okay.

CHAIR GUZMAN: Thank you.

VICE-CHAIR COCHRAN: Thank you.

CHAIR GUZMAN: Ms. Savage?

MS. SAVAGE: Okay. The following is just a deletion of "of Maui" in Item No. 6. It's still in the alcohol provision so that's just for document consistency purposes.

UNIDENTIFIED SPEAKER: No objections.

MS. SAVAGE: Next is on Page 23, which is under Article III, Permits, Subsection D, for rescheduling. This would be, "in the event of inclement weather and unforeseen safety hazards, permits will be accommodated through rescheduling to the extent possible. Permit holders must notify the Department within," we're proposing two business days, "of these circumstances for rescheduling to occur with no additional fees."

CHAIR GUZMAN: Okay, this was Mr. Victorino's for consistency on the days, on the permits.

COUNCILMEMBER VICTORINO: Yeah, that's fine.

CHAIR GUZMAN: Yeah, okay, very good.

VICE-CHAIR COCHRAN: No objections.

CHAIR GUZMAN: Ms. Cochran?

VICE-CHAIR COCHRAN: No, no objections.

CHAIR GUZMAN: Okay, we're good. That's acceptable for the Committee.

MS. SAVAGE: The next is on Page 26.

CHAIR GUZMAN: Yeah, there's your two business days consistency, Mr. Victorino.

COUNCILMEMBER VICTORINO: Okay.

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CHAIR GUZMAN: Okay.

COUNCILMEMBER VICTORINO: No problem with that.

CHAIR GUZMAN: Okay, moving on.

MS. SAVAGE: The next change on Page 28 would be in reference to Table 2, which is for notice of cancellation required before the event, before the scheduled event per permit type. We're proposing adding in a little bit of language just so there's clarity on, you know, what day do we technically start counting from backwards. So adding in, "If the cancellation date falls on a weekend or holiday, notification must be received on the workday prior to the weekend or holiday." And the other adjustment was there was discussion on the general use permits, and the desire to change the cancellation notice from 14 days down to 7 days.

CHAIR GUZMAN: I believe this was Mr. Couch and Mr. Victorino. Are you agreeable to that language?

COUNCILMEMBER COUCH: No objections.

CHAIR GUZMAN: Okay, thank you.

COUNCILMEMBER COUCH: Mr. Chair?

CHAIR GUZMAN: Yeah.

COUNCILMEMBER COUCH: I'm sorry. With that extra language that was added in there, I know we didn't talk about it before, but it does make sense. Just keep in mind that it may add a day or two, so instead of a seven-day window, it might be a ten-, eight-, or nine-day window. I don't think it would be any more than that.

CHAIR GUZMAN: Right, based off of the weekend.

COUNCILMEMBER COUCH: Because the weekend...

CHAIR GUZMAN: Because yeah, it could be a three-day --

COUNCILMEMBER COUCH: Yeah.

CHAIR GUZMAN: --weekend.

COUNCILMEMBER COUCH: So it could be a little bit longer window --

CHAIR GUZMAN: Right, right.

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COUNCILMEMBER COUCH: --which isn't, you know...I think that's better for the Department, not so much for community. But I think it's a reasonable time.

CHAIR GUZMAN: I agree. Okay, very good. And then the next one, Ms. Savage, is the...oh, this is Ms. Cochran's, the double negative, shall be nontransferable. So it should be, Ms. Savage, changed it to...

MS. SAVAGE: Shall not be transferrable.

CHAIR GUZMAN: Okay, are you good with that, Ms. Cochran?

VICE-CHAIR COCHRAN: Yeah, that's fine.

CHAIR GUZMAN: Okay, very good. Moving on.

MS. SAVAGE: Chair, if I could just real quickly, on that Page 28, that additional language under Table 2. If we could make one change, just noticed while reading through it, where it says, "If the cancellation date falls on a weekend or holiday, notification must be received on the work day," if we could change that from "work" to "business" day.

CHAIR GUZMAN: Yes, business day, correct, correct. Any objections, Members?

COUNCILMEMBERS: No objections.

CHAIR GUZMAN: Okay.

MS. SAVAGE: Thank you.

CHAIR GUZMAN: Thank you. Okay, moving on.

MS. SAVAGE: The next change was on Page 30, but that falls into our County equipment discussion.

CHAIR GUZMAN: Okay, yeah we have to skip that.

MS. SAVAGE: And I believe that is the final, that's the final proposed changes from our first round of review.

CHAIR GUZMAN: Okay, that's...yeah, that's it, Members, for the issues that were presented through the first go-around. So we're not that far away from finishing. I think we'll set for the next meeting. Without objections, we'll defer this matter, Members.

COUNCILMEMBERS: No objections.

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COUNCILMEMBERS VOICED NO OBJECTIONS.

ACTION: DEFER PENDING FURTHER DISCUSSION.

CHAIR GUZMAN: Thank you very much for getting through this. I think we'll...at the next meeting, I'll have a full-on draft ready.

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

CHAIR GUZMAN: Yeah, the two or three items that we've...were kind of held up on. But in the meantime, I'm very happy to say that this is the last meeting for the year, and I'd like to wish everybody a very Merry Christmas and a Happy New Year. And thank you very much, Staff, and the Department for doing such a good job on the...putting together the documentation and going through this process. Thank you, and meeting adjourned. . . . *(gavel)* . . .

ADJOURN: 3:35 p.m.

APPROVED BY:



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

ear:min:151215:rk

Transcribed by: Reinette Kutz

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CERTIFICATE

I, Reinette Kutz, 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 this 11th day of January 2016, in Wailuku, Hawaii.


Reinette L. Kutz