

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

**M I N U T E S**

**Council Chamber**

**November 3, 2015**

**CONVENE:** 1:37 p.m.

**PRESENT:** VOTING MEMBERS:

Councilmember Don S. Guzman, Chair  
Councilmember Elle Cochran, Vice-Chair (left at 3:13 p.m.)  
Councilmember Don Couch  
Councilmember Stacy Crivello  
Councilmember Mike White (arrived at 3:38 p.m.)

NON-VOTING MEMBERS

Councilmember Gladys C. Baisa (left at 3:04 p.m.)

**EXCUSED:** Councilmember Riki Hokama  
Councilmember Michael P. Victorino

**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  
Alan M. Arakawa, Mayor (Item 2)  
Mark Walker, Deputy Director, Department of Finance (Item 2)  
Kaala Buenconsejo, Director, Department of Parks and Recreation  
Guy Hironaka, Real Property Manager, Office of the Director, Department of Finance (Item 2)  
Rowena Dagdag-Andaya, Deputy Director, Department of Public Works (Item 12)  
Keith A. Regan, Managing Director, Department of Management (Item 2 & 12)  
Wendy Taomoto, CIP Coordinator, Director of Management (Items 2 & 12)  
Jeffrey Ueoka, Deputy Corporation Counsel, Department of the Corporation Counsel (Item 37)

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Brianne Savage, Deputy Director, Department of Parks and Recreation (Item 42)

**OTHERS:** Blossom Feiteira, Executive Director, Friends of Moku`ula, Inc.  
Tama Kaleleiki  
Laurie Pottish  
David Dorn, Action Sports Maui  
Jerleen Bryant, Chief Executive Officer, Maui Humane Society  
Patricia Cadiz, HST Windsurfing, Surfing & Kitesurfing Lessons  
Jeff Strahn, General Manager, Maui Dive Shop  
Owana Salazar  
Plus (8) other people

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

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CHAIR GUZMAN: . . . *(gavel)* . . . Good afternoon. Welcome to the Economic Development, Energy, and Agricultural [sic] Recreation Committee. Today's date is November 3, 2015. I'm Don Guzman, the Chair of the Committee. Before we begin may I please ask everyone to please silence your cell phones? I'll introduce our Members for today's meeting. We have our Vice-Chair of the Committee, Elle Cochran.

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

CHAIR GUZMAN: Mr. Don Couch.

COUNCILMEMBER COUCH: Good afternoon, Chair.

CHAIR GUZMAN: Ms. Stacy Crivello.

COUNCILMEMBER CRIVELLO: Aloha, Chair.

CHAIR GUZMAN: And joining us shortly will be Member Mike Victorino and Mike White. Excused is Riki Hokama. We also...I'd like to introduce our Staff for today. We have our Legislative Attorney, Sharon Brooks. And our Committee Secretary, Pauline Martins. And we also have our...from Corporation Council, Jerri Sheppard. And Mr. Mark Walker from Finance Department, joining us for some of the other items that are listed on today's agenda. If you'd like to testify please sign up in the lobby. Those who are going to testify, you'll be limited to three minutes. And only to the items on today's agenda. When you come to the podium please state your name and/or organization in which you represent. Right now I'm going to go ahead and check in with our District Offices to see if they are present. Hana Office, are you there?

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

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CHAIR GUZMAN: Thank you, Ms. Lono. Lanai Office, are you present?

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

CHAIR GUZMAN: Thank you, Ms. Fernandez. And also on Molokai Office, are you present?

MS. ALCON: Good afternoon, Chair. This is Ella Alcon on Molokai.

CHAIR GUZMAN: Okay. Good afternoon, ladies. Okay. We're going to go ahead and turn our attention to the Chambers. Can you please call the first testifier?

MS. BROOKS: The first testifier is Tama Kalaziki.

UNIDENTIFIED SPEAKER: Kaleleiki, K-A-L-E-L-E-I-K-I.

**. . . BEGIN PUBLIC TESTIMONY . . .**

MR. KALELEIKI: . . .*(spoke Hawaiian)*. . . Greetings to all . . .*(spoke foreign language)*. . . I am Tama Kaleleiki. I am here for myself as a community member, also as a voter and as a kanaka maoli. And the concerns of EAR-42, EAR-2. I hope I got that right. But again mahalo, thank you, Council. I've been following this FOM for a while from 2012 for myself. And I thank you, Council, for bringing these issues, for we the community can really learn what's happening. For the ones we heard in October or September's meeting, the Council about Moku`ula. We learned more about their function. Ka Lua O Kiha, Inc., I believe, I hope I said that right. And with FOM, you know, it's not 23 years, it's 25 years that this Friends of Moku`ula has been in process for Moku`ula or the restoration of Moku`ula. I know everyone wants to see this done. Though, it's easy to say we have to wait or be patient. But when it's not your money, it's easy to spend it. For the tax payers, we need an answer already, 25 years later. Also, with our own kupuna Tom Hansen from Lahaina had written in *The Maui News*, the Friends of Moku`ula has been in operation since 1990. At least a million dollars of County funds and considerable private donations have been given to that organization and this is nothing to show or nothing to show its expenditures. I think it's about time that the tax payers are told what happened to their money.

MS. BROOKS: Thirty seconds.

MR. KALELEIKI: So it's not only me. We want to see this project but I think, again with also agreeing with Mr. Hokama about pulling the project and having Maui County take this back. And holding it where they can actually give a organization or Maui County themselves take over the project. I think it'll work faster that way instead of 25 years.

MS. BROOKS: Three minutes.

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MR. KALELEIKI: Also when it comes to their lease, we have to also think of the borders of the neighboring area like Waiola Church. We have a discrepancy of our borders and also our stone wall that's been here for 200 years. It hasn't moved, it hasn't grown. Also our easement that's been there for...since Queen Namahana, it's called Waianae Road. We need protection as Moku`ula has protection or having interest in restoring it. We need preservation for our areas by our church, which also has the gem of Maui, the cemetery. So I do thank you and this makes me nervous.

CHAIR GUZMAN: Thank you, Tata.

MR. KALELEIKI: Thank you for listening to me and kokua and kakoo us here on our wanting to know what's happening.

CHAIR GUZMAN: Thank you very much. Members, do you have any follow-up questions or clarifications? Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Mr. Chair. He did mention EAR-42, did you want us...

CHAIR GUZMAN: Yeah. Did you also want to talk about EAR-42?

MR. KALELEIKI: Yeah. I wasn't really clear is that the lease and license for other properties that Moku`ula either has or is applying for?

COUNCILMEMBER COUCH: No.

MR. KALELEIKI: Forty-two?

CHAIR GUZMAN: No. It's a different subject.

MR. KALELEIKI: Oh. Sorry. Okay.

CHAIR GUZMAN: Yeah. That's okay.

MR. KALELEIKI: My bad.

CHAIR GUZMAN: Okay.

COUNCILMEMBER COUCH: Thank you, Chair.

CHAIR GUZMAN: Is that it? Okay. Thank you very much for your testimony.

MR. KALELEIKI: Mahalo.

CHAIR GUZMAN: Next?

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MS. BROOKS: The next testifier is Laurie Pottish, followed by David Dorn.

MS. POTTISH: Aloha, Chair Guzman and Vice-Chair Cochran and Committee Members. My name is Laurie Pottish. I am testifying as a member of the community and animal lover and animal advocate and a park user. So...and I am testifying in regards to EAR-42, specifically items 4 and 6 on Page 10 and Page 11 respectively. And those of repeated as items 7 and 8 on Page 12. And the item on number 8 on Page 12 states feral animal colonies shall not be established or maintained. This is a problem. Presently there are sterilizations going on at many of the parks with private citizens donating their own time and money for surgeries and food. Feeding bans have never proven to be an effective means of reducing animal populations. Trapping and sterilizing cats does stop the cycle of reproduction which reduces the population over time. In order to track cats there must be an established feeding place and time so the animals know to show up and you can identify new cats that need to be fixed and track them. The real growth factor at the parks is not because cats aren't being trapped and fixed, but the public is dumping their unwanted, and often, unfixed cats and kittens there. Which is against the law but it's almost impossible to prove or prosecute. So possibly allocating personnel and dollars toward sterilization campaigns and addressing this dumping issue would be a far better solution-based idea than a feeding ban. Feral cats will not go away if they're not fed. And I don't know what the County plans to do with these animals especially if they're wandering around starving. So thank you very much for your time.

CHAIR GUZMAN: Thank you very much. Members, do you have any questions or follow-ups for Ms. Pottish?

MS. POTTISH: Yes.

CHAIR GUZMAN: Seeing none, thank you very much for your testimony.

MS. POTTISH: Okay. And I did submit written testimony --

CHAIR GUZMAN: Yes.

MS. POTTISH: --with a name, e-mail and phone number, so.

CHAIR GUZMAN: Thank you.

MS. BROOKS: The next testifier is David Dorn, followed by Jerleen Bryant.

MR. DORN: Hello, Councilmembers and Council Chair. My name is David Dorn. I'm testifying as a private person as well as I'm a CORA operator. I'm testifying on EAR-37. First, I'd like to thank the Councilmembers for your help in the past meetings setting the CORA Permit fees at a reasonable level, and thanks for everyone who's

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working on these new CORA rules. We have heard that the Parks Department has been working on a new set of rules for two and a half years. But so far, we do not know what the Parks are trying to do. So we are concerned about these new rule changes because the last time there was major changes like this, many of our colleagues were put out of business altogether and totally lost their livelihoods. We have seen some problems with EAR-37 and we'd like to bring to your attention. We feel that the deletion of Section 7 removes a vital level of protection us CORA operators, for the County, and for the environment. Number one, it removes historical protection for existing CORA Permit holders. Two, it removes the protection for County decisions made in the past. And three, it removes protection for sensitive beaches and prohibited areas. We believe that deleting this section is a mistake and opens up a huge can of worms. We have offered alternative wording to amend Section 7 that includes the historical protection for CORA permits, the County, as well as maintaining protection for those sensitive beach areas. We care about the rules and the environment. We know that historically, when too many permits were issued in the wrong parts it caused problems. This led to a painful restructuring and rule changes that we see today. We want to be proactive and ensure that mistakes are not made in the future that will cause further hardships and administrative problems. We have intimate knowledge of the history of these rules. We have lived through the severe downsizing the industry, lost operators, lost parks, less beaches, and less days. And we know the reasons behind these hard choices that were made and the sacrifices our community had to make to achieve a balanced system. We CORA operators have a long standed [sic], vested interested in helping the County. And we have a long history of participating in the creation of the rules. So we'd like to continue that participation and we'd like to ask that a taskforce of CORA industry members be included in the formation of new rules and coming changes. We'd also like to get some answer to these questions. One, will there be any protection for existing permit holders under the new rules? Two --

MS. BROOKS: Thirty seconds.

MR. DORN: --is the County intending to risk shutting down the current CORA operations for a period of time while they get the new permit system going? Is the County concerned for the State OEQC Office of Quality Control...Environmental Quality Control, could change their mind as in HRS 343? Does the deletion of Section 7 mean that permits will be issued for closed parks? And in 39.04A, is the new Community Class Permit something that we could apply for as an alternative for the CORA Permit? Thank you.

CHAIR GUZMAN: Thank you. Mr. Dorn, do you have your testimony in written form?

MR. DORN: Yes. It's been submitted in written form.

CHAIR GUZMAN: Okay. Thank you very much. Members, do you have any follow-up questions? Ms. Cochran --

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VICE-CHAIR COCHRAN: Thank you.

CHAIR GUZMAN: --followed by Mr. Couch.

VICE-CHAIR COCHRAN: Thank you, Chair. And thank you, Mr. Dorn, for being here. In your testimony, that section...you say we have offered an alternative wording to amend Section 7?

MR. DORN: Yes.

VICE-CHAIR COCHRAN: Is, the following sentence is your suggestion or you're just saying...

MR. DORN: No. That's actually ...someone else will be testifying on that . . .(inaudible). . .

VICE-CHAIR COCHRAN: Okay. I was just looking for that. And that'll be forthcoming then?

MR. DORN: Yes. And it has been e-mailed in before as well.

VICE-CHAIR COCHRAN: Okay. Very good. Thank you. Thanks, Chair.

CHAIR GUZMAN: Thank you. Mr. Couch?

COUNCILMEMBER COUCH: Okay. So, the last sentence on the thing isn't what you guys are proposing then? On your written testimony?

MR. DORN: Oh, the deleting Section 7 part?

COUNCILMEMBER COUCH: Removes the prohibition for closed parks, you're just . . .(inaudible). . .

MR. DORN: Okay. Yeah. That was like an add-on.

COUNCILMEMBER COUCH: Okay.

MR. DORN: I didn't have time. That is actually the part that will be deleted --

COUNCILMEMBER COUCH: Right.

MR. DORN: --that protects the parks --

COUNCILMEMBER COUCH: Right. Okay.

MR. DORN: --under this EAR-37.

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COUNCILMEMBER COUCH: Alright. My question to you is on your...one of your questions is will there be any protection for existing permit holders under the new rules? What kind of protections are you looking for?

MR. DORN: Just some sort of reassurance that they'll be continuity. Because we're always living from, you know, year to year. And we don't know that we could...may not be shut down at any moment. So it's a very hard way to live and...under these rules. So, last time there was a big shake up in the rules, maybe a good portion 25-30 percent of all the operators went out of business overnight. So we're just hoping that nothing like that will happen again. It's a big question mark. We don't know what these new rules are intended for or what they're going to bring and we're just worried that we'll be in business tomorrow, have a job tomorrow, be able to provide for our families tomorrow.

COUNCILMEMBER COUCH: Okay. Thank you. Thank you, Chair.

CHAIR GUZMAN: Thank you. I'd also like to acknowledge the presence of Gladys Baisa.

COUNCILMEMBER BAISA: Good afternoon, Chair.

CHAIR GUZMAN: Good afternoon. Thank you very much, Mr. Dorn. Next?

MS. BROOKS: The next testifier is Jerleen Bryant, followed by Patricia Cadiz.

MS. BRYANT: Good afternoon, Chair Guzman, Vice-Chair Cochran and Committee Members. My name is Jerleen Bryant, I'm the CEO at the Maui Humane Society.

VICE-CHAIR COCHRAN: . . .*(inaudible)*. . . Put it down there so you no gotta tippy toe.

MS. BRYANT: I'm here today regarding the proposed regulations specifically repealing and amending Section 13.04, relating to Parks and Recreational Facilities to include prohibiting the feeding or management of feral animal colonies. I urge the Committee to please defer this proposal until the appropriate agencies can be consulted. This is a very challenging topic. And I have serious concerns with the ripple effect this would cause if the amendment were to be voted on and pass. Thank you.

CHAIR GUZMAN: Thank you. Members, you have any follow-up questions? Seeing none. Thank you very much, Ms. Bryant.

MS. BRYANT: Thank you.

CHAIR GUZMAN: Oh wait.

COUNCILMEMBER COUCH: Sorry. Sorry.



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CHAIR GUZMAN: Mr. Couch?

COUNCILMEMBER COUCH: When we discuss this, is it possible that she can be here as a resource?

CHAIR GUZMAN: Sure. That's...we're only on Article 1, Mr. Couch.

COUNCILMEMBER COUCH: Oh I understand. I'm just....

CHAIR GUZMAN: Okay. Yeah. We're going to...just to let you know, that we're...it's a brand new, completely revamped chapter. So we're taking it article by article.

MS. BRYANT: Okay.

CHAIR GUZMAN: And so last meeting that we had was an introduction of Article 1. Where...and there were several issues that came up and now we're going to vet that through Article 1. And then today we'll discuss it and then have an introduction of article two. So we're going to be having this type of meeting.

MS. BRYANT: Okay.

CHAIR GUZMAN: Every time that we meet we're going to be talking about a new section --

MS. BRYANT: Okay.

CHAIR GUZMAN: --and covering the old section that we vetted through, so.

MS. BRYANT: Okay. I only...

CHAIR GUZMAN: When we get to that...yeah. So when we get to that section --

MS. BRYANT: Okay.

CHAIR GUZMAN: --I'll have staff give you a call to make sure that you're here as a resource.

MS. BRYANT: Great. Great. I only found out about this yesterday and I thought I'd...I wasn't aware so I wasn't prepared. So, it will be discussed today?

CHAIR GUZMAN: No. I don't think we'll get that far into it.

MS. BRYANT: Okay. Okay. Perfect. Thank you.

CHAIR GUZMAN: Okay. Thank you.

MS. BROOKS: The next testifier is Patricia Cadiz, followed by Jeff Strahn.

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MS. CADIZ: Hello again. My name is Patricia Cadiz. I'm here representing my husband's business, HST Wind Surfing and Kite Surfing, and as an individual. Thank you all, thank you again for your help in the last time we were here testifying about the fee increase. We really appreciated what the Council considered there and take the moment to say that. I'm calling or here today to talk about EAR-37. I'm concerned that the repeal of EAR-37 may have some unintended negative consequences. I'm here to talk mostly about the first item that David talked about and I do have the language that we proposed. Deletion of Section 7 effectively leaves the County self-imposed moratorium on new permits until an EA is completed but it also exempts from the need for an EA, businesses that held valid permits under 5.24. So deleting Section 7 deletes that protection for existing permits. The thinking, at the time was that that's an existing impact, not a new impact and so an EA would not be required. As you're probably aware though, the ultimate determination of a requirement for an EA actually rests with the State at the Office of Environmental Quality Control. And back in 2005 Genevieve Salmonson, who was the Director, was asked for an opinion by our then Chairperson, Jo Anne Johnson, as to whether or not ORAP activities would need an EA. At that time she said no. But I think a lot may have changed since then. And, by the way, she was also the person that said the Superferry didn't need an EA. So given this change in the political atmosphere, I think it's quite possible that if we went back to the State and said does OEQC think ORAP needs and an EA, they might say yes. So, if you take out this exemption for existing impacts or existing businesses that thread of logic is removed from the documentation and I feel a legal leg that we stand on for our ongoing operations may also be undercut by removing that. So, again, the language for section 7 exempts businesses that had valid permits on 5.24. And if you take that out that exemption goes away. But a lengthy...

MS. BROOKS: Thirty seconds.

MS. CADIZ: The EA process is lengthy, sometimes maybe even years. So if that protection goes away, OEQC says hey you need an EA for ORAP services, commercial activities in parks. Which anything in the SMA zone or the tsunami zone or a wetland cannot be exempted from the need for an EA. So I think it's a real concern.

MS. BROOKS: Three minutes.

MS. CADIZ: May I have a little more time?

CHAIR GUZMAN: You know what, Members, without objections, because Ms. Cadiz is very involved in this type of business, is it alright for her to stay as a resource person?

COUNCILMEMBERS: No objections.

CHAIR GUZMAN: Thank you.

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COUNCILMEMBER COUCH: If she's available.

CHAIR GUZMAN: Yeah. Are you available to be, serve as a resource person?

MS. CADIZ: Sure, would that be now or --

CHAIR GUZMAN: Yeah.

MS. CADIZ: --a little bit later?

CHAIR GUZMAN: When the subject matter gets called.

MS. CADIZ: Okay.

CHAIR GUZMAN: Members, do you have any follow-up questions at this time? Seeing none, thank you very much for your testimony.

MS. CADIZ: Okay. Thank you.

MS. BROOKS: The next testifier is Jeff Strahn, followed by Owana Salazar.

MR. STRAHN: Good afternoon, Councilmember or Chairman Guzman and Councilmembers. My name is Jeff Strahn. I'm the General Manager of Maui Dive Shop and I would like to also speak a little bit about EAR-37. I just think that you need to look a little bit closer about deleting this Section 7 right here. And I just want to read from the middle of it. I'd like to talk about the effects that some of the things that Dave alluded to and Patty as well. But I'd like to talk to a little bit about the following parks, the commercial recreational activity would be prohibited and by deleting it, you would be removing the prohibition from Baldwin Park, Cove Park, Hookipa Beach Park, Kamaole Beach Parks I, II, and III, Cove Park, Launiupoko Beach Park, and Puamana Beach Park. Now, the history of this...I want to thank you for supporting CORA and supporting us with the fees. I was asked to be a part of this committee by Jo Anne Johnson's Administration some, I don't even know, 15 years ago. At that particular point in time, there was a lot of activity that was going on in these beach parks and the...there was a very specific reason why these...there were a prohibition on this. Puamana, Launiupoko there was fights going on with surf organizations. Cove Park, do you remember the school bus that was down there at Cove Park? I mean, to go back and say okay we're now going to open these parks to commercial activities, the population will go nuts. Absolutely go nuts if you do that. So, I want you to please, please consider carefully the deletion of this. I know that there may be some ideas about trying to eliminate the need for an EA for future permits, and that might be the motivation behind deleting this section. But, you gotta just be real careful about the wording of it. And...because I don't think you want to take this back to where we were 15 years ago. Thanks very much.

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CHAIR GUZMAN: Thank you very much, Mr. Strahm. Is that right? Strahm.

MR. STRAHN: Strahn is my last name.

CHAIR GUZMAN: Strahn. Members, do you have any follow-up questions? Seeing none, thank you very much for your testimony.

MR. STRAHN: Thank you.

MS. BROOKS: The last testifier in the chamber is Owana Salazar.

MS. SALAZAR: Good afternoon, everyone. Aloha, Councilmembers and Chairman. I'm here to testify regarding EAR-2. And I'd like to just start off by expressing my support for the testimony that was given by Mr. Kaleleiki earlier on. I have been observing this restoration for a very, very long time. I was actually involved with it as one who took the walks throughout Lahaina. I am even more involved as a person of descent of the royalty from Maui and all the islands of Hawaii. So I have a great concern. We do observe our own culture at the church with the royal tomb of Queen Keopuolani. But back to this issue, the website is very nice and it does say, the mission statement that they are to cultivate awareness of the Hawaiian culture through restoration, preservation, education, and revitalization of Moku`ula Island and Mokuhinia Ponds. So, we know that this mission is to restore and but we also know that a large portion of the island sits under that parking lot that they are requesting to have the license and the lease renewal. So with...I think one of my concerns is how does renewing the license and the lease allow...bring forth the restoration when they're going to be using the parking lot again and eventually it has to get dug up anyway in order to reveal the island? I remember giving over the survey from the crown land survey's book showing exactly where the island is. And then I still see a lot of more money going towards studying, more digs, I mean, we know where it is. And it's under the island. It's under the parking lot massively and it's also under part of the Salvation Army. So one of my concerns that I want to bring forward today is how much longer do they intend to use the parking lot for income? Because...clearly because it is a main source of income...

MS. BROOKS: Thirty seconds.

MS. SALAZAR: Thank you. Upon unearthing the pavement I wonder what...is there a plan that they have for income? And, you know, there has to be some shift. But I think the main thing here really is about the renewing of the lease and the renewal of the licensing. Will it really give way to opening up the earth so that we can see the island when it sits right on it? Do you understand what I'm trying to say? Thank you.

MS. BROOKS: Three minutes.

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CHAIR GUZMAN: Thank you. Members, do you have any follow-up questions for the testifier? Seeing none. Thank you very much --

MS. SALAZAR: Thank you.

CHAIR GUZMAN: --Ms. Salazar.

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

CHAIR GUZMAN: Okay. Thank you. We'll turn to our District Offices. On Lanai Office are...anyone wishing to testify?

MS. FERNANDEZ: There's no one waiting to testify at the Lanai Office.

CHAIR GUZMAN: Thank you. On Molokai Office, is there anyone wishing to testify?

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

CHAIR GUZMAN: Thank you. And in Hana Office, is there anyone wishing to testify?

MS. LONO: There's no one waiting to testify at the Hana Office.

CHAIR GUZMAN: Okay. Thank you, ladies. Good afternoon, and have a good evening. Members, we're going to turn your attention to the first item on today's agenda EAR-2. The Lease and the License of County-Controlled Parcels to Friends of Moku`ula, Incorporated. The Committee is continuing to consider the two proposed resolutions submitted as part of County Communication 11-304. The purpose of the proposed resolution...

VICE-CHAIR COCHRAN: Sorry, Chair. Not to...sorry to interrupt, but close public testimony now?

CHAIR GUZMAN: Oh sorry. Again, I keep forgetting that. Thank you very much, Ms. Cochran. That's why I have a Vice-Chair. Without objections. I'd like to close public testimony.

COUNCILMEMBERS VOICED NO OBJECTIONS.

**. . . END OF PUBLIC TESTIMONY . . .**

CHAIR GUZMAN: Thank you. Thank you, Members.

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**EAR-2 LEASE AND LICENSE OF COUNTY-CONTROLLED PARCELS TO FRIENDS OF  
MOKU`ULA, INC. (LAHAINA) (CC 11-304)**

CHAIR GUZMAN: So the purpose of the proposed resolutions was to allow the Friends of Moku`ula, Incorporated to continue to operations of the parking lot concessions on the County property in Lahaina. Members, if you can recall at our last meeting on this item, the Committee continued to...its review of Friends and its operation of the parking concessions. Questions were raised regarding the need for an audit, including the best type of audit to meet the Committee's purposes as well as missing documents requested from Friends. As a follow-up, I did meet with the County Auditor as well as the Deputy Director of Finance. In your binder you will see the letter dated October 22, 2015 requesting recommendations from the Department of Finance about the kind of audit that we should be performing or that should be performed to produce the detailed tracking of the parking revenues. The letter also requests Finance to give their opinion whether the parking revenues have been used solely for restoration and preservation purposes as stated in the lease and license. Today, I would like to hear from Mr. Walker. And if you could please convey your response to the questions that we touched on regarding the Friends' documents and any recommendations for the type of audit and review from your Department.

MR. WALKER: Thank you, Chair. Thank you, Chair, Committee Members. Mark Walker, Deputy Director of Finance. You should have in your packets also my response to your letter. My letter dated October 26<sup>th</sup>, in which I recommended that Friends of Moku`ula get a third party independent audit of their operations. Which I think, they also in there, during that last meeting I think they were willing to do that. And suggested that they should go ahead and do that and I'm sort of seconding that. That's typically a fairly costly audit but they know their own finances. If they can pay for it and that's something they want to do, I would...that's what I recommend as well. Additionally, you had asked if we could review the financial statements that you provided me. Again, to see if the revenue being generated by the parking operations was being used to carry out their mission. And as I responded in the letter, yes we're willing to do that. And we'll get back to you when we're finished, hopefully no later than mid-December.

CHAIR GUZMAN: So that's the status in terms of the Finance Department's response to assisting the Committee in reviewing the documents. I'm also under the understanding that the Finance Department will recommend various questions to be posed or directions to whomever auditor we have, I guess appointed --

MR. WALKER: Yes. Yeah.

CHAIR GUZMAN: --or hired...

MR. WALKER: We'll do our best to do that.

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CHAIR GUZMAN: --as the...yeah, thank you. So that's our understanding from the Committee as well as the Finance Department. We are also here to request, again, the documents that we've been awaiting for. I think we have here in...if we can have Ms. Blossom Feiteira, who's the Director of...Executive Director of Friends, come to the podium. We've...the last two, well, the last three meetings that we've had, Members, I've requested several documents and, although some of the documents have come in, the remaining portion of the documents have not. I have again scheduled this as an update status, so, to ask again for the remaining documents and I will put those requests on the record. I sent a letter to Friends to the attention of Ms. Blossom Feiteira dated October 23, 2015 asking, again, for number one, contract between KLK, which is the, I believe the profit side of the organization, and the Diamond Parking. And to produce an agreement between FOM, Friends of Moku`ula and Diamond Parking, not...which is not fully executed but it advise the Committee that FOM is not operating the parking lot concession but rather it is being operated by KLK. So I need to see those contracts between FOM and KLK. Number two, the income tax returns for FOM from 2009 through 2015. Number three, an agreement between FOM and KLK. Number four, the articles of incorporation, names of board of members, and officers for KLK. And number five, all contracts regarding the parking concessions from 2002 to 2015. And number six, FOM's annual reports to the Department of Parks and Recreation. Do we have the representation...representative from Parks and Recreation? Can you please join us on the floor? So just...so those are the other remaining documents that we've requested for the last three meetings. Remaining documents that haven't been submitted. So, when can we at least foresee them coming into this Committee, Ms. Feiteira?

MS. FEITEIRA: Okay, so our income statements you, our 990s, our income taxes for Friends of Moku`ula, you should have already received. We did send them out the day after the last hearing. In fact, I think what happened was we tried to send one document, it was too big so we ended up having to break it up. So I need to go back and check because I am under the assumption that you did not get it. Am I correct?

CHAIR GUZMAN: Ms. Brooks?

MS. BROOKS: Some of the documents were received.

UNIDENTIFIED SPEAKER: Which ones?

MS. BROOKS: Some of the documents were received but the documents listed in the October 23<sup>rd</sup> letter were not received.

MS. FEITEIRA: Okay. So, I'll follow up with that. We should be able to get it to you by the beginning of next week.

CHAIR GUZMAN: Okay. And then the other remaining documents that are listed.

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MS. FEITEIRA: No all of these these.

CHAIR GUZMAN: All of them?

MS. FEITEIRA: Yeah.

CHAIR GUZMAN: Okay. Okay. So if you can get those documents to us we definitely will...that will complete all the documents that we need for the Finance Department to review. At our last meeting, I'm not sure if you had the authority to, but you also agreed that you would be willing to conduct an audit and hire an outside third party to perform the audit.

MS. FEITEIRA: Yes we...actually one of the things that we've instituted at the Friends of Moku`ula is an annual audit. Which was already approved in the board, it's in our budget for both Friends of Moku`ula and Ka Lua O Kiha. So we are...we have a scheduled appointment with a independent auditor Levin and Hu, for November 23<sup>rd</sup> so if I could have the parameters of how you want the audit conducted before then, I'll be able to contract with them to get exactly what you want.

CHAIR GUZMAN: Okay. So right now we've got a recommendation for the Finance Department to conduct a general...what's it say? Third party audit performed under general accepted auditing standards. And there are other conditions here that we can send forth in a letter to you.

MS. FEITEIRA: Yes, please do.

CHAIR GUZMAN: And then after that we will...as soon as we receive the remaining documents and the Finance Department is able to review those they are going to put together a guidelines or at least some questions or directions in which we can pose to the auditor, in which you hire. So that we can at least...so that the audit that is going to be conducted isn't...we find the answers that we, we're looking for. So . . .*(inaudible)* . . .

MS. FEITEIRA: Okay. One of the things that we have been talking about at the executive board level is because of the...so I'll just be frank, you know, I personally feel that the Friends of Moku`ula is under the gun here in terms of what we're doing with the money. I understand your concerns and I understand your desire to get all the information. So one of the things that we are also willing to do is have our independent auditor work directly with the County of Maui Department of Finance, keep us out of the loop, in that respect so that there is no potential influence or any kind of mishandling of this...of the information. So let's keep it clean.

CHAIR GUZMAN: Well if I may...yeah, thank you. I understand and acknowledge your, you know, what you may feel at this time but under the lease and license and...it clearly states that every three years that license is to be reviewed, and upon the approval of



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the Council, it is only at that point you can continue on with the concession of the parking lot.

MS. FEITEIRA: No and I agree with you, Councilmember. I understand what the kind...what the lease agreement and the license says. At the same time, however, I just want to remind the Council that while this resolution was amended, the document in 2003, our first time ever that we appeared before this County body was in 2012. And so, for me personally coming in at 2013, I'm asking for a little bit more patience from this body 'cause I am still in the process of looking through all of these old documents and getting the stuff that you need. So, if we can continue to work together to get you the information you need and if you can let me know how you want to proceed forward on this, you know, I'm more than happy to cooperate. I just need to know what you guys want from us.

CHAIR GUZMAN: Well number one, I've sent you three letters exactly asking you for the same documents. This is your third time before this Committee and I haven't still yet received the documents that I'm asking for. Now, I can easily call a vote, whether you are going to continue to operate or not, but I'm not. I'm trying to be very patient and very fair. The review according to the lease and license says every three years and then every five years. We're in the fifth year period. And under my watch, we are going to review this. And it may have been slipped under the table in other Chair's positions but it's not going to slip under the table for me. Because I'm very diligent in making sure that this County abides by the leases that it enters into and the licenses that it enters into. So I apologize if you...if it feels like we're picking on you. But I'm clearly trying to do what is...what we are charged to do within the lease and the license. And documentation, it would either support what you're saying that everything is up and up or it doesn't. And I'm giving you a fair enough opportunity to produce these documents so that we can look into it. And if it is all clear and said and done then hey, you have no problem, we will approve the continuation of the lease and license. And I agree we should be working together and I hope we are because I've been very patient in trying to get these documents onboard. We could have been done a month ago with this, even two months ago if I had all the documents before us...

MS. FEITEIRA: You know, Mr. Chair, and I appreciate your patience, I really do. And I just want you to know how the Friends of Moku`ula is looking at this entire thing. I will be the first to say that our filing system at the office is not the greatest in the world, which is one of the reasons why I'm having a difficult time locating the documents that you are requesting. We are proceeding forward and we are actually breaking down our filing system so that I can find all of these documents that you are asking for. So, all I'm asking for is a little bit more patience. I was not aware that there was another letter sent to my office, I have been out of the office at meetings for the past couple weeks so getting back into the office is going to be my top priority for the next week.

CHAIR GUZMAN: Okay. So according to Finance, if we can receive the additional documents that is requested again, in the October 23<sup>rd</sup> letter...we'll give you a copy of that letter

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before you leave. If we can get those documents in before the end of next week, then Finance Department can actually put some type of direction or, not really orders but, questions that we can pose to direct your third-party auditor to at least put together the audit. I think it's as simple as that. So we'll give it one more shot. Okay?

MS. FEITEIRA: Thank you.

CHAIR GUZMAN: Alright. Thank you. Members, do you have any further questions at this time? It's just a status update. Ms. Cochran?

VICE-CHAIR COCHRAN: Thank you, Chair. And yeah, thank you for this opportunity for the status update. And I thank Mr. Walker, you know, as he states in his item two in his October 26<sup>th</sup> communication, the ability to give a credible, meaningful opinion will depend on a large part of the quality of information received. And so that's why we sit here, as you mentioned, Chair, for few months now trying to receive all that quality information, which is yet hasn't appeared. Thereby Department is sorta at a standstill also. So hopefully we can get this going by beginning of next week, Ms. Feiteira's saying she can come up with all the paperwork, thereby Department can move forward and we all can gather information to set the scope, I guess, of work for this independent audit. I'm wondering how to go about saying not just the financial aspect of an audit but is there a way to get the managerial or a management type of audit also? Would that be in the purview of us or Department to suggest or recommend?

CHAIR GUZMAN: Mr. Walker?

MR. WALKER: You know, I'm not sure if the auditors at the...that FOM is choosing, if they can do, you know, they're typically doing financial audits. So a management audit I don't...I'm not sure. But I guess we could do, you know, ask the selected auditing firm whether that's in their purview of services offered.

MS. FEITEIRA: Mr. Chair?

CHAIR GUZMAN: You know what I suggest, Ms. Cochran, if the Finance Department would have that opportunity to review all the documents as stated in Mr. Walker's letter and let them give us an analysis of what type of questions that pop out and we can fashion or at least direct a scope of the audit through their questions that they may have as experts in the financial field. So isn't that correct, Mr. Walker?

MS. FEITEIRA: Mr. Chair, if I may interject here? Just to let you know, whenever a nonprofit, and for those of us who run nonprofits know when we call for an audit part of that audit process is a managerial examination. Because although it's focused on the financial side of it, the policies of the organization have to be examined in order to ensure that there is the lowest risk of fraud in their financials. And to ensure that your policies and rules that you have in place are in compliance with State and Federal laws that govern nonprofits. So that's an automatic given. However, again, if

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this Committee feels that there are other managerial issues that they would like examined by the auditor, please let me know. We will include that in our contract.

CHAIR GUZMAN: Okay. Very good, thank you very much for that. Ms. Cochran?

VICE-CHAIR COCHRAN: No, that's all for now. Thank you, Chair.

CHAIR GUZMAN: Okay. Ms. Crivello?

COUNCILMEMBER CRIVELLO: So as I...Chair, thank you. As I go through this binder I also note that there's an audited financial statement for the year ended June 30, 2013. Which is pretty much the norm, so the next, as you do your annual, it becomes 2014. Yeah? So, I'm sorry you're feeling that it's so punitive but it's before us, you know, when we're saying we're missing all these financial documents but it's here before us. How it's interpreted then maybe financial...the Finance Department can sort of interpret it for us. So I think in some ways that if we look at the world of the nonprofit, what we have in here today is pretty much appropriate and it's the annual report that will come in for 2014 and not 2015 comes in in 2016. Is that how...I'm sure Gladys will agree with me.

COUNCILMEMBER BAISA: Yes.

COUNCILMEMBER CRIVELLO: So...

CHAIR GUZMAN: Yeah. But like I said at our last meeting, the documents provided are based off of the Friends' accounting. What the setup is, and I...to remind the Members how the setup is, is that their...the initial license and lease was between the County and FOM, is the Friends. And then, later on FOM created a subsidiary which became, which was a profit-making corporation. And then...

COUNCILMEMBER CRIVELLO: I understand what you're saying.

CHAIR GUZMAN: Yeah.

COUNCILMEMBER CRIVELLO: I think we've discussed that.

CHAIR GUZMAN: And then the profit corporation --

COUNCILMEMBER CRIVELLO: Yeah.

CHAIR GUZMAN: --then contracted with Diamond.

COUNCILMEMBER CRIVELLO: There's nothing wrong with that.

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CHAIR GUZMAN: Which then Diamond gives a rental amount per month to the profit. Now when you look through the records the profit has all the business expenses including employee compensation and retirement and then you look on the FOM side and there is nothing, and so once a year the board of the profit side determines how much to give the FOM, the nonprofit organization. And if you look at the income taxes of the profit side, it's...you go back and it's 6,000, 9,000, 7,000, 18,000, it's very random on how much they give over. But according to the license and lease all of the revenues from the parking lot is supposed to go to restoration. Granted there are always going to have business expenses but, in this case you have more amount of the business expenses being produced from the profit side and nothing really shown on the nonprofit. So we want to see the records of both entities. What's missing and what we have before you is documentation of both entities, you know, one set.

COUNCILMEMBER CRIVELLO: I want to pose this question, Chair. With all your legalese opinions. As a nonprofit, is it okay or is it acceptable to have a for-profit out of the nonprofit?

CHAIR GUZMAN: That's not the...I'm not going to debate that.

COUNCILMEMBER CRIVELLO: No, I'm not debating, I'm just asking.

CHAIR GUZMAN: But I'm saying, Ms. Crivello, we've got it, we're charged with tracking where the money goes. That's what the lease and license says. It's...and it's very clear in the wording that the revenues is for restoration purposes only. So yeah, granted there could be some business expenses out there but not substantial amount that it depletes the entire amount. You're looking at the rental agreement of 40,000 to 50,000 a month coming out of that parking lot, but yet only 6,000 of that goes to the Friends?

COUNCILMEMBER CRIVELLO: I don't know.

CHAIR GUZMAN: Well, that's what it says in the...

COUNCILMEMBER CRIVELLO: I'm just asking you is that, you know, with your legalese mind and a vote.

CHAIR GUZMAN: That's what it says in the...well, you have it before you. You just were looking at the documents itself. Did you read through the documents to see that...

COUNCILMEMBER CRIVELLO: Yes. And that's why I'm asking you this question.

CHAIR GUZMAN: Okay then 6,000 of that money goes to...

COUNCILMEMBER CRIVELLO: I don't wish to debate with you, Chair. Thank you.

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CHAIR GUZMAN: Well, you're the one who brought it up. So, I'm not going to bring it...

COUNCILMEMBER CRIVELLO: I'm asking you not for debate but just clarification, sir.

CHAIR GUZMAN: I just clarified it. This is our fourth meeting.

COUNCILMEMBER CRIVELLO: Okay. Thank you.

CHAIR GUZMAN: You know, it's a very heated discussion because this is our fourth meeting and we still haven't gotten all the documentation in. And it's as simple as that. If we can just get that stuff in, we can move forward. Okay. Thank you. Members, without any further objections, I'd like to defer this matter.

COUNCILMEMBERS VOICED NO OBJECTIONS.

**ACTION: DEFER.**

CHAIR GUZMAN: Thank you.

**EAR-12 PROPOSED NEW KAHULUI COMMUNITY CENTER FACILITY (CC 13-399)**

CHAIR GUZMAN: Okay. We have...Members, moving on to the next agenda item EAR-12. This is the Proposed New Kahului Community Center Facility. The Committee is in receipt of County Communication 13-399, from Council...from myself, on the matter relating to the new Kahului Community Center Facility. Members, this is...this item has been pending before the Council Committee since December 2013. I believe also in 2013 and 2014 a budget appropriation of 400,000 was earmarked for design. By way of background, this is an A&B Property which was conditioned as a zoned...which was also, excuse me, it was A&B Properties which is also the developer of Waiale Community Project. The location of the new community center site is within the Waiale Project which includes approximately 50 acres of the land that will include 40 acres for affordable housing, estimated at 300 affordable rental units. Seven acres for the new community center and three acres for a park. I believe there's a handout for the Members at this time. The handout on the map shows the area for the community center. A&B has worked with the County Parks Department to prepare a subdivision application for the new community center because it's a portion of a larger parcel. That subdivision received preliminary subdivision approval on June 8, 2015. Today's discussion is to get an update on the progress of the community center development and what requirements are left to do. Your binder contains a letter dated October 29, 2015 from Grant Chun, A&B Properties Vice President, who was unable to hear today regarding...who is unable to be here today regarding the status of the project. Mr. Chun attaches a copy of the correspondence dated June 8, 2015 from the Director of Public Works confirming preliminary approval from the subdivision and

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that has been granted and outlined...outlining the conditions for the final subdivision approval. We have here today, we have Mr. Buenconsejo from the Department of Parks. And if I could ask our representation from Public Works, can come down on the floor please? Okay. Thank you. And so, if we can get an opening statement from the Department of Parks.

MR. BUENCONSEJO: Chair, good afternoon. Councilmembers. From the Parks' design point regarding this proposed Kahului Community Center, again from the Department, we are just waiting for final subdivision. It is still in the preliminary subdivision phase. So, we have not moved forward as far as planning or initiating the 400,000 to scope out the proposed site. It is in our best interest to at least wait for the final subdivision in case there are any changes that may occur during that process. And at this point, I would turn it over to Ms. Rowena Dagdag from Public Works, if she had any information on that part for final approval.

MS. DAGDAG-ANDAYA: Thank you, Chair, and good afternoon, Members. Rowena Dagdag-Andaya for Department of Public Works. As Mr. Chun had stated in his letter the subdivision was applied for in April 8, 2015, and subsequent to that on June 8, 2015 A&B Properties received a preliminary approval granted for the subject subdivision. In that subdivision or preliminary approval there were 13 comments. One of which has already been, not finalized but the requirement number four from Housing and Human Concerns, that has...I think they're already...they're ready for final approval. The other departments, I think the applicant is still working to complete the conditions stated in the preliminary approval. So there are a couple of conditions that are still outstanding and until those conditions are met, you know, we can only provide final once the applicant has completed everything in this letter.

CHAIR GUZMAN: Members, do you have any questions at this stage regarding the update? Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Mr. Chair. Mr. Chair, I'm looking at this letter with the 13 comments, some of which are sub commented and...how big is this subdivision again?

MS. DAGDAG-ANDAYA: Chair and Members, you know, I...yeah. I don't have the file with me --

COUNCILMEMBER COUCH: Okay.

MS. DAGDAG-ANDAYA: --but I just have the preliminary subdivision approval letter.

COUNCILMEMBER COUCH: Yeah. Because that's...I mean there is a lot of stuff that people have to go through in order to, apparently just to get a subdivision going. So I can see why it's a little bit behind. But, I guess I just have to, in general make a comment that maybe we're...are we red taping these people to death or what? Cause, I mean, if you

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look at all these things that they gotta do...I don't know. Maybe we have too many restrictions but I'm not sure.

MS. DAGDAG-ANDAYA: Well these...Chair?

CHAIR GUZMAN: Yes?

MS. DAGDAG-ANDAYA: These are pretty common type of things. A lot of them, which are things that either need to be reported or documents that need to be provided. As the preliminary subdivision letter states, it is a limited subdivision so that means there are no types of improvements that are required, it's pretty much paper. You know, it's just drawn up. But there are, you know, general types of things. Such as, you know, just Real Property Tax I think has one item, provide verification that legal access has been provided to all proposed lots. I mean those kind of things are pretty standard. So, I understand that the applicant is still working with the various agencies that have commented on the preliminary subdivision and that it's still active, and what we can do is follow up with the agencies or assist A&B in following up with the agencies. But at this point, you know, we haven't had any responses to the preliminary...to the letter.

COUNCILMEMBER COUCH: Okay. Thank you, Chair.

CHAIR GUZMAN: Thank you. I have a question. Is this process on a limited subdivision or is it full-on subdivision?

MS. DAGDAG-ANDAYA: Chair, yes, I mentioned earlier it was, it's a limited subdivision.

CHAIR GUZMAN: Is the process more, I guess, expeditious? Or is it faster through a limited subdivision or is it...

MS. DAGDAG-ANDAYA: I mean there are advantages to this because it's...there aren't any road improvement requirements or, you know, associated drainage or utility requirements. So, it's just pretty standard stuff in here.

CHAIR GUZMAN: Okay. So on the...I guess the reason why I also put this on the agenda, Members, is that we're getting closer to the next budget cycle. And so, there is 400,000 earmarked funding for this...for the design of it. And so, and this is the second budget cycle that it's been in there. So I just wanted to find out exactly whether it's worth keeping it there or are we just kinda' at a standstill at this point? I believe it's 179 acres that we're talking about for the subdivision, total subdivision. Mr. Buenconsejo?

MR. BUENCONSEJO: Chair, from our part, again, we're waiting for our standpoint of the final subdivision. It'll be a little premature, again, to spend that money, and any unforeseen circumstances could change that location or design.

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CHAIR GUZMAN: But 7.3 acres have been already designated, correct?

MR. BUENCONSEJO: From what it appears, yes, it has been designated. But the subdivision itself has still not been approved.

CHAIR GUZMAN: Okay. So it has to go through subdivision approval before you'll act on the design funding?

MR. BUENCONSEJO: Ideally, we'd like to have a final subdivision, that would be ideal. Plus we don't own it yet. So until we can physically own the property that would probably be a benefit to us.

CHAIR GUZMAN: Yeah. Okay. There's no water issues?

MS. DAGDAG-ANDAYA: Chair?

CHAIR GUZMAN: Yes?

MS. DAGDAG-ANDAYA: So on preliminary subdivision comment number five, there is a statement in here that says comply with Section 18.12.040D of the Maui County Code. Submit a statement regarding the water system to be installed. If the proposed subdivision will be served by the County's water system, the subdivider shall provide a receipt of payment of a water meter reservation from the Department of Water Supply verifying that the subdivision will receive water source and service from said department. Should a private water system be proposed the subdivider shall provide written verification of a long-term, reliable supply of water from the Director of DWS, in accordance with Chapter 14.12 of this Code. So that would be the comment from the Water Department.

CHAIR GUZMAN: Okay. Thank you. Any other questions from the Members on the update? Seeing none, without objections, I'd like to defer this matter.

COUNCILMEMBERS: No objections.

**ACTION: DEFER.**

CHAIR GUZMAN: Thank you, Department, for showing up.



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**EAR-37 REPEAL SECTION 7 OF ORDINANCE 3143, RELATING TO OCEAN  
RECREATIONAL ACTIVITY BUSINESS PERMITS (CC 15-182)**

CHAIR GUZMAN: Moving onto the next agenda item. We have EAR-37, the Repeal of Section 7 of the Ordinance 3143, Relating to the Ocean Recreational Activity Business Permit. We have here today the Director, Mr. Buenconsejo, as well as our Corporation Counsel Deputy, Mr. Ueoka. The Committee is in receipt of County Communication 15-182, from the Mayor, transmitting a proposed bill to repeal Section 7 of ordinance 3143, and number two, the correspondence dated October 20, 2015, from the Department of Corporation Counsel, transmitting a revised proposed bill entitled A Bill for Ordinance Amending Ordinance No. 3143, Relating to Chapter 5.24 of the County Code, Relating to the Ocean Recreation Activity Businesses Permits, and Chapter 13.04 of the Maui County Code Relating to the Recreational Area Regulations. The purpose of the revised proposed bill is to amend the transition provisions in Ordinance 3143, as amended by Ordinance 3198 and 3265 to repeal Chapter 5.24. The old CORA permitting scheme, which was effective June 30, 2004 and the implementation of Article 10, the newer CORA permitting scheme effective January 1, 2004. Today we have, we're going to have Mr. Ueoka open it up with any comments that you may have regarding this proposal.

MR. UEOKA: Thank you, Chair. It's just to remove this section. With discussions with the Parks Department, thought it would be helpful for them to remove this requirement, primarily for a lot of it, in our opinion, is just unnecessary at this time. The transition period is over. We are fully under Article 10 of Chapter 13.04 at this time. Just to open it up for the Department to have more flexibility as to how they issue these permits. Currently, the only people they can issue permits to are those permittees under the old chapter or Section 5.24.080, Maui County Code until an EA is done by the County and accepted in accordance to Chapter 343 HRS, so, just to give some flexibility to the Department as this is a self-imposed requirement. I'm not sure what the requirements of 343 are but this seems to be, you know, adding it on through Section 7 as opposed to Chapter 343. Which, in and of itself, may require it may not. I'm not 100 percent sure. Thank you, Chair.

CHAIR GUZMAN: Any comments or statements from the Department?

MR. BUENCONSEJO: Thank you, Chair. From the Department's standpoint, again and as we move forward, as we progress through the CORA system, this definitely allows us to issue out permits through the lottery system or whatever we set forth to the future. And, again, it just helps right now. There are permits that could be issued but due to the process with EA...we did have a discussion, a brief discussion a few months back in Mayor's lounge with some of the CORA holders. At that point, you know, it was addressed a little bit of this issue. At that point they also mentioned that they wouldn't have a problem with issuing of permits that are currently available, which there are currently available permits in certain beach locations. Again, with the EA being the way it is, you know, not one CORA vendor currently did an EA, in all. So,

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you know, bringing this back to forefront is giving us the opportunity for those that do have availability, is possibly putting that in there. But again, I think this makes it on the Department's standpoint, as we move forward in the future it allows us to go ahead and make those changes.

CHAIR GUZMAN: Members, any questions? Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Mr. Chair. I guess, Mr. Ueoka, this is for you. So you're deleting Section 7 from...I haven't had a chance to look up Ordinance 3198, 3265 or 3143 for that matter. Section 7 creates, or actually all of that ordinance creates some laws under 5.24 and 13.04. My question to you is we've got recreational activity prohibited, Baldwin Beach Park, you know, the list of recreational activities. Or the, basically the parks that aren't...we aren't supposed to have recreational activities. Has that been incorporated into either 13...5.24 or 13.04?

CHAIR GUZMAN: Go ahead.

MR. UEOKA: Thank you, Mr. Chair. Yes, Mr. Couch, 13.04.256 --

COUNCILMEMBER COUCH: 13.04.

MR. UEOKA: --prohibits commercial ocean recreational activity at, I won't read 'em all but, the list of beaches.

COUNCILMEMBER COUCH: So I guess I'm a little curious why you're going after an ordinance as opposed to going after the actual code. The ordinance, like you said, it's expired, so none of this should matter regardless. And the ordinance was, happened whenever it did happen. Why not just deal with what's existing in the Code now?

CHAIR GUZMAN: Go ahead, Mr. Ueoka.

MR. UEOKA: Thank you, Chair. I should...I'm not saying the ordinance is expired. The transition I'm just saying is done. But, the reason why we're going after the ordinance itself is this requirement of an Environmental Assessment was never actually put into the County Code, it was only incorporated into these ordinances. And just for your clarification, Ordinance 3198 effectively repealed 5.24 and adopted Article 10, Chapter 13.04. And then it was amended by 3260...I'm sorry, 3198, I believe was the first one which brought up the no permit shall be issued in certain areas and some of the other things and 31...326...yeah, 3265 added in the as prepared by the County language. So this ordinance has actually been amended twice since its inception. But that's why we're not just amending the County Code and instead amending the ordinance. Think about it kinda like amending the Budget Ordinance, we amend it all the time as opposed to changing the County Code. Thank you, Chair.

COUNCILMEMBER COUCH: Okay. Yeah. You know, I've been trying to piece together all

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these things and see...to see what the actual effect of doing this repeal is.

CHAIR GUZMAN: I think...can we call Ms. Cadiz down here on the podium? Maybe we can have some of her questions answered. Because I'm trying to get an...a clear understanding of the intent --

COUNCILMEMBER COUCH: Well...

CHAIR GUZMAN: --as well.

COUNCILMEMBER COUCH: Yeah. I'm not sure if the testifier's concerns were...I mean they're valid concerns but if they...if what they think is going to happen is actually going to happen, I guess that's my...

CHAIR GUZMAN: Right. Right. That's the concern is like...

COUNCILMEMBER COUCH: And that's, I guess, my question to both.

CHAIR GUZMAN: So they have several --

COUNCILMEMBER COUCH: Right.

CHAIR GUZMAN: --I guess, issues. By repealing that Section 7, you have historic protection concerns, it's going to, I guess, somehow interfere with County decisions. The prohibition against putting CORA in sensitive beach areas, there's a list of them here. Maybe you could...I guess, Ms. Cadiz, if you could maybe explain --

MS. CADIZ: Okay.

CHAIR GUZMAN: --what your concerns are in a --

MS. CADIZ: Okay.

CHAIR GUZMAN: --I guess a . . .*(inaudible)*. . .

MS. CADIZ: My concerns were more with the language that exempts the existing CORA permit holders from the need for an EA. And part of that Section 7 says notwithstanding the forgoing prior to the issuance of any permit pursuant to Article 10 of Chapter 13.04 to any business without a permit issued pursuant to Chapter 524 Maui County Code an Environment Assessment relating to commercial ocean recreational activity as defined here and shall be prepared by the County and accepted in accordance with Chapter 343. So the County is imposing on itself the requirement to do an EA, whether or not OEQC says it has to be done, I believe. But they are exempting from that requirement at County level the need for existing CORA Permit holders to have an EA. My concern is if the political atmosphere at OEQC has

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changed and it comes to their attention that we're adding activities at the beach parks or adding beach parks that will have commercial activity or any local environmentalist is interested, they might say hey, you know, that's activity in the shoreline area, in the tsunami zone, in the wetlands, whatever, how come an EA was never prepared? And the OEQC may have a different opinion now than they did in '05 when Genevieve Salmonson was in charge. So, I recognize that the Department is trying to free up their ability to issue some of these outstanding permits and I have no objection to that, I'm just concerned that in the process of deleting all of Section 7, some of the wording that protects existing permittees slips off the books. And then if this new scenario were to play out, we would be, probably illegal to...it would probably be illegal to give us a permit without the EA. And we would be out of business and the County would have no legal way to continue offering guidance in ocean recreation activities until the EA were done. So that seems that there is liability exposure to the County because then there were certainly be no less demand for those services and without any legal operators or anybody in a permits...with a permit with proper oversight, you know, the services will be offered by renegades under the table without insurance.

CHAIR GUZMAN: Okay.

MS. CADIZ: So maybe it's not a valid concern but it seems quite valid to me, and maybe somebody can tell me why it's not?

CHAIR GUZMAN: So, do you have any response for that, Mr. Ueoka? Or would you need more time to have that placed in written form and then maybe you can give a legal opinion?

MR. UEOKA: Thank you, Chair. I can address that. I guess my response would be to advise this body. I'm advising this body, of course. Would be that regardless of whether Section 7 is in place or not, if OEQC decides to make it a requirement that every CORA activity that goes on at the County beach parks needs a Chapter 343 Environmental Assessment, regardless of Section 7, they could make that requirement. Currently, when I read Section 7, basically that sentence notwithstanding the forgoing prior to the issuance, it just allowed the Parks Department to continue to issue CORA permits to those who had permits under 5.24 prior to doing the County self-imposed Environmental Assessment. That's all it did, in my opinion. Thank you, Chair.

CHAIR GUZMAN: Mr. Buenconsejo, do you have any comments to the testifier's concerns?

MR. BUENCONSEJO: Chair, no. Mr. Ueoka basically said it all. I mean, we're not changing anything, there'd be no beaches added. It's just to help our permitting process. I for one wouldn't allow beaches to go to Launiupoko, I mean that's...if...you know, with the language reads, you know, Mr. Ueoka clarified it. It's not changing anything. It's just that EA can be implemented if they chooses to. But again, we're just trying to prevent or actually help our process, from the Parks standpoint, and make it a easier process for permitting and to move forward as we move forward with the structure of CORA.

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CHAIR GUZMAN: Okay. Members, do you have any questions? Still trying to wrap your hands around it.

UNIDENTIFIED SPEAKER: Yeah.

VICE-CHAIR COCHRAN: Chair?

CHAIR GUZMAN: Ms. Cochran?

VICE-CHAIR COCHRAN: In some of these other testimony, Mr. Dorn also, but also Ms. Cadiz, you know, he had five particular questions. So I don't know if Director or Corporation Counsel has this. And if that can...these questions could be answered. I think it's kinda in a roundabout being addressed with the discussion here with Ms. Cadiz. But I...you know what I mean? I don't hear it or see it --

CHAIR GUZMAN: Right. Right. You know...

VICE-CHAIR COCHRAN: --plain as day.

MR. BUENCONSEJO: Chair, I think a lot --

CHAIR GUZMAN: Go ahead.

MR. BUENCONSEJO: --of those questions were answered in this discussion, but, I mean, rather than prolong it, if it's possible, I mean, he could read it again. We can answer it right here than to prolong, if it's alright with the body.

VICE-CHAIR COCHRAN: So I think...okay, sorry.

CHAIR GUZMAN: Go ahead.

VICE-CHAIR COCHRAN: Just by hearing that 'cause that laundry list of all these different beaches and parks, they're saying will open up for the potential of having permits provided --

CHAIR GUZMAN: Right.

VICE-CHAIR COCHRAN: --to be used. I think that's a huge...is that so or not? Right? So I think Director Buenconsejo said no. But is that, I mean, as written, because they're listed specifically now. It clearly states in black and white, but if you erase all that, is it just because the current Director is, you know, empathetic to the uses of these beaches, he knows firsthand. My God it can't handle that. But who knows in the future who's going to be sitting here? So that's where I think the public and myself, I would like to know that it is protected. And if things are to change, then it can come

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back and be discussed or whatever but I think with it just wiping it off the, you know, taking it off the paper.

CHAIR GUZMAN: I see what you're saying.

VICE-CHAIR COCHRAN: You know, so that's just kind of...

CHAIR GUZMAN: We have to leave a...somewhat of a legislative history or --

UNIDENTIFIED SPEAKER: Yeah.

CHAIR GUZMAN: --imprint there.

VICE-CHAIR COCHRAN: You know what I mean? So that's kinda where I'm feeling a little uneasy --

CHAIR GUZMAN: Right. Mister...

VICE-CHAIR COCHRAN: --and just get rid of it all, to make it easier for permitting. I don't know. That doesn't --

CHAIR GUZMAN: Right.

VICE-CHAIR COCHRAN: --really sit well for me.

CHAIR GUZMAN: I see where you're coming from.

COUNCILMEMBER COUCH: Yeah.

CHAIR GUZMAN: Mr. Couch?

COUNCILMEMBER COUCH: Mr. Chair, in 13.04.256 it specifically says and it lists those beach parks that commercial ocean recreation beach activity is prohibited, so what you're saying, Mr. Ueoka, is that when you repeal this section, it doesn't affect 13.04.256, is that right?

MR. UEOKA: Thank you, Chair. Yes, Mr. Couch. That will not be affected.

CHAIR GUZMAN: Okay.

COUNCILMEMBER COUCH: Okay. So that's...

VICE-CHAIR COCHRAN: So it's still listed?

COUNCILMEMBER COUCH: Well, yeah. That is the whole section is the prohibitions. So,

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that was one of their concerns. And I'm glad that that's taken care of. I don't see anywhere else that there might be an issue but I just want to make sure that the CORA folks are aware that this...first of all, the first thing that they were concerned about isn't...I mean, I understand their concerns but it isn't a concern because it's strictly prohibited right here. And I'm not sure what the other concerns, I mean, they all, you know, are basically surrounding that one section so. If we can have the...Ms. Cadiz explain a little bit, now knowing that those prohibitions are gone and that OEQC can, whether we have this in here or not, can require an EA. Those two things, does that help allay your fears?

MS. CADIZ: My fear is...that wasn't actually one of my concerns 'cause I did know that was in 13.04.256. My concern is again, with the protection that's in, down sort of at the bottom of that page, maybe you can find it. It starts with notwithstanding the foregoing. So it's a bit convoluted but it says any business...you can't issue a permit to any business that didn't have a permit under 5.24 and the businesses that are existing don't need an EA. The thinking is, existing businesses are not adding impacts, environmental impacts at the park. And so existing businesses shouldn't have to be required to have an EA. That's why it was written like that so that existing businesses could continue.

COUNCILMEMBER COUCH: And I'm guessing...

MS. CADIZ: Okay. So that's what I'm concerned about. Now the language under 343 if you bear with me a little bit, the following types of projects will not be exempt and that it includes things like special management areas, special habitats, shoreline areas, tsunami inundation areas, basically all the parks. So those can't be except...exempted except where the work is eligible for exemption and there is no negative impact on the conditions that define these areas. So that gets a little bit grey with that exception. And I believe that we could make a valid case that the operators, like myself who've been there at the park for 30 years, are not adding an impact, I mean the CORA study said commercial operations are a very small part of the activities at Kanaha Beach Park. So you get...as you said the legislative history stays when you leave that language. So you get this thread of logic that existing businesses are not new impacts. That the CORA study was done by the County to evaluate the carrying capacities of the parks and help write effective rules and it's all tied into this piece. This little bit of language as to why this particular group, this historical operators should be exempted from the need for an EA if OEQC should ever ask for one. We can go back to them and say okay if you take away our right to issue permits, any permits, without an EA, then we can't issue permits, we can't over...we can't provide any oversight, as the County, to the service providers that are needed to take care of these people that want to go in the ocean. You know, I was told today that the visitor industry is focusing their marketing on experiences. You know, we're the frontline of offering safe ocean experiences. Our ability to continue is vital to our local economy. And we've...all I'm asking for is some protection.

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COUNCILMEMBER COUCH: And, Mr. Chair?

CHAIR GUZMAN: Mr. Couch?

COUNCILMEMBER COUCH: Well, first of all, you know, you're using public right-of-way, a public park so protection, not sure is a right.

MS. CADIZ: Okay.

COUNCILMEMBER COUCH: My concern is that you're talking about the OEQC may be requiring or not, we can't tell OEQC what to do. If they require it, they're going to require it period, end of story.

MS. CADIZ: That's right. That's right. But if they...

COUNCILMEMBER COUCH: And I don't see how this protects you from that. That's my concern.

MS. CADIZ: Okay. Maybe I'm not being clear but I think that if the County can't legally provide permits for operators during the EA process, would it be...would there be some liability exposure to the County by not having legal service providers in the parks without, you know, service providers that don't have insurance, that don't have oversight?

CHAIR GUZMAN: Mr. Ueoka?

UNIDENTIFIED SPEAKER: I'm not quite...

COUNCILMEMBER COUCH: Yeah. I don't quite follow that.

UNIDENTIFIED SPEAKER: I don't follow.

COUNCILMEMBER COUCH: If it's illegal, it's illegal. Period, end of story.

MS. CADIZ: Well. Okay.

COUNCILMEMBER COUCH: That's...

MS. CADIZ: Okay so the exemption language says except...

COUNCILMEMBER COUCH: But that exemption language, it can be completely overridden by OEQC.

MS. CADIZ: No, this is OEQC language. This is the exemption list for the County of Maui to the OEQC. That says these areas can't be exempt except where the work is eligible for



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exemption and there's no negative impact on the conditions that define these areas.

COUNCILMEMBER COUCH: Right.

MS. CADIZ: So back in '05 it was determined that existing operators weren't adding impact therefore they wanted to create a way for us to continue if an EA were required for new permits. So I'm...I guess what we suggested was kind of a compromise. You can keep that language and just, you know, maybe there's a better way to do it. But, if you could try to keep that language in there and just add some words that...at the end of that sentence. Shall be prepared by the County and accepted if so required was what I was suggesting to add in accordance with Chapter 343. Which means that, in other words, if OEQC says you gotta get an EA, then we'll get an EA, we'll do an EA. But it leaves in this historical legislative thread that the County prefers existing permittees to continue. I mean maybe I'm wrong but wouldn't you want to be able to offer services while the EA is being prepared?

CHAIR GUZMAN: I...Mr. Ueoka?

COUNCILMEMBER COUCH: Let me run that by Mr. Ueoka. So her concern is that we've got this permit and then all of a sudden the County or the OEQC is going to require an EA to be done on that permit. So then therefore invalidating that permit during the EA process, is that a fair statement?

MR. UEOKA: Mr. Chair?

CHAIR GUZMAN: Yeah.

MR. UEOKA: Thank you, Chair. Mr. Couch, I would say if they...if we were ordered to do an EA for something and told to cease and desist until we get the EA. I'm going to assume our office would advise the Parks Department to comply and cease and desist. That would be our recommendation. Thank you, Mr. Chair.

COUNCILMEMBER COUCH: In that case, because one of the lists...one of the exemptions possible is that, hey look this isn't an additional, I mean this is an operation that has been going on all along so there isn't any additional impact. Is that something that the Department can argue or not?

CHAIR GUZMAN: Mr. Ueoka?

MR. UEOKA: Thank you, Mr. Chair. I'm not sure what the Department would argue, it certainly sounds legitimate. I'm not overly familiar with the Parks Departments' EA exemption list under 343. I can say though, looking back at the history of all of this, 3143 was passed in 2003, 3198 was passed in 2004, and then in 2005 in 3265 that's where the language was added to any business without a permit issued pursuant to Chapter 5.24 Maui County Code. So it happened like two years later. I wasn't around

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so I'm not sure on why it happened, but it was a two-year period before --

COUNCILMEMBER COUCH: Sure.

MR. UEOKA: --the 5.24 allowance was added in.

COUNCILMEMBER COUCH: And 5.24 doesn't exist anymore so how can anybody look and see how that...who has those permits right? Or do they have to go back into the archives and see what 5.24 said?

CHAIR GUZMAN: Mr. Ueoka?

MR. UEOKA: Thank you, Chair. Mr. Couch, my understanding was since 2003 no new CORA Permit has been issued. It's consistently been existing applicants or existing permit holders from then, have just renewed their permits. You know, gone through the process, showed, you know, the requirements and just renewed their permits. So, that's kind of how the Parks Department knows who was in back then, it's been the same companies.

COUNCILMEMBER COUCH: Okay. Mr. Chair, I worked on this way back when with Ms. Cadiz and a lot of other folks from the administrative side. So I know where they're coming from and I know what happened here. But, I'm pretty sure that removing this section isn't going to affect any of that. If they're looking for legislative intent or history we have all this down and we have these comments. So, I mean I seem to think those are the...if that's the biggest concern from them and I understand that, I think they're still protected. And if I can get a yeah I agree with you, at least on the record.

CHAIR GUZMAN: You know, maybe we can formulate a letter, formal letter and have Corp. Counsel respond.

COUNCILMEMBER COUCH: To Corp. Counsel?

CHAIR GUZMAN: Yeah. So that we would have something, at least, in writing for the record on the liability issue as well as protection issues --

COUNCILMEMBER COUCH: Right.

CHAIR GUZMAN: --that are presented before us. So that, at least if anything and we have something on the record that says, yeah, well this was the opinion, this was the legal opinion given to us.

COUNCILMEMBER COUCH: And I also agree with Mr. Ueoka, if OEQC says you gotta do it, you gotta do it.

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CHAIR GUZMAN: Right, yeah. I kind of tend to agree with that. Because if the State wants to do what they want to do, no --

COUNCILMEMBER COUCH: And to...

CHAIR GUZMAN: --County ordinance isn't going to stop it.

COUNCILMEMBER COUCH: Right and to allay her fears, is that the first thing they're going to do is say, you gotta do it. They may or may not say cease and desist. If they say seize and desist, again, that's up to them. But we do have some, at least recourse, to say hey, wait a minute, we don't think, according to the County Parks Department, we don't think that they're an additional impact 'cause they've been doing it for this many years. But who knows? That's between --

UNIDENTIFIED SPEAKER: The State.

COUNCILMEMBER COUCH: --the State and the Parks Departments and the operators.

CHAIR GUZMAN: Right.

COUNCILMEMBER COUCH: The operators have to remember that this is a County park, public park, so, there are certain things that they may have to be required to do in public areas. I certainly think that most of the operators are doing a good job. And, you know, we are promoting tourism and these are the places that they go. I just think it...and the CORA thing is like we talked about before in other committee, I mean in other times in this Committee, it's a huge big bowl of spaghetti right now and we're trying to even refine it further so it's a little less messy.

CHAIR GUZMAN: Let me ask this question and then maybe, would you like to respond to Mr. Couch, Mr. Ueoka?

MR. UEOKA: Thank you, Chair. I just wanted to, when you guys are drafting that letter to me, regarding the liability, I guess I was hoping if you could avoid that in the questions.

CHAIR GUZMAN: Oh okay. Sure. Sure.

MR. UEOKA: You know, I...you can get sued, anyone can sue anyone for anything and I'm not sure what will happen. I can't tell you right here on the record that I don't believe that it's a Charter requirement that the County provide ocean recreational activities at the beach parks. You know, I don't think we have a duty to do that. But I can't forecast what will happen, you know, of course. But, I can tell you it's not a Charter requirement. So, thank you, Chair.

CHAIR GUZMAN: Okay. Thank you. Yeah. So why don't we, since we're at bare quorum I'm

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sure Members want to use the restroom as well, take a break, but I'm going to, without objections, defer this matter until we can get a full Committee. And that will leave us time to write a letter to Corp. Counsel and the Department to address some of the issues that were presented.

VICE-CHAIR COCHRAN: No objections

CHAIR GUZMAN: And that way, the Members that do come to the next meeting will have a full on written opinion. And so, it should go fairly quickly up or down on this one. Okay?

VICE-CHAIR COCHRAN: No objections.

CHAIR GUZMAN: So without any objections, I'd like to defer this matter.

COUNCILMEMBERS VOICED NO OBJECTIONS.

**ACTION: DEFER.**

CHAIR GUZMAN: Thank you. We're going to take a ten-minute recess. . . .(gavel). . .

**RECESS: 3:13 p.m.**

**RECONVENE: 3:38 p.m.**

CHAIR GUZMAN: . . .(missing audio). . .

**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: Members, turning in your attention to the last item on our agenda, EAR-42, the Establishment of the Chapter 3.04, the Maui County Code, Relating to Parks and Recreational Facilities, and Amend Section 6.04.090, of the Maui County Code, Relating to the Animal Control Officers. The purpose of the proposed bill is to repeal Chapter 13.04 relating to recreational area regulations and to establish a new Chapter 13.04A of the Maui County Code relating to Parks and Recreational Facilities, and amend Section 16.04.090 of the Maui County Code relating to animal control officers. Members, if you can recall that this is our second meeting to consider the Administration's proposed bill overhauling the Maui County Code provisions dealing with the regulations and the management of the County parks and recreational facilities. At our last meeting the Parks Deputy Director presented the proposal for Article 1. Following the meeting I sent a letter dated October 16, 2015 to the Director

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requesting revised language to address the Committee's initial comments on Article 1. That letter's in your binder. As we...we will proceed with the discussion concerning those proposed amendments and concerns that the Members brought forth. I'd asked the Deputy Director of Parks Brianne Savage to go ahead and open by addressing the letter and the proposed changes to the amendment...to the chapter...Article 1, excuse me.

MS. SAVAGE: Thank you, Chair. Good afternoon, Councilmembers. So to review through the items that came through, you should also have in front of you an updated Code comparison document. This is comprehensive through all of the Code changes, 43 pages, we added in the page numbers. And then you'll see at the bottom that there's a color key code that identifies the underlined. The green comments that were added in are the same items that are addressed in the letter and things that we discussed on the floor. And then the items in red is the language being recommended deleted from the existing Code. So to review over some of the questions that were discussed, the first item was the discussion of the definition of vendor, which is on Page 14 of the Code comparison document. So the question and the concern was looking at the ability of having pouring rights and concessions being included in the definition of vendor. And after looking at it further, the thought was that with the definition as it's written, it doesn't preclude us from being able to do concession and pouring right agreements. And so we wouldn't necessarily need to change the definition in order to still accommodate those options, as we get to the point of being able to pursue those.

CHAIR GUZMAN: Yeah, I believe that was from Mr. Hokama. Yeah, Members? Okay. You may proceed.

MS. SAVAGE: Thank you, Chair. The next item was the conversation that we had about Department sponsored and County cosponsored and a couple different suggestions on, you know, maybe how we can still deal with that. With...I know there was concerns about, you know, either property, equipment going off of County property in order to support events, especially in Hana, Lanai, and Molokai. That's on Page 7 of 43. There was a couple options that the Department provided and I'll kinda just overview, I won't read these word for word. But the Department, first of all is open with either direction of this. It's more of just looking for the Council to help set what the policy should be for Department sponsorship of events. And so a couple different options that were provided would be that changing the definition to read Department sponsored can be any function, activities, or events sponsored by the County and recognized by the Department. This type of an open definition would allow for Department to support activities that were outside of Parks Department properties. If it's the...if this is the desired route, the Department just wants to make sure that we identify the additional labor costs and equipment costs for replacement purposes. A lot of the equipment when we have to move it from its location, especially bleachers, there's a lot of additional wear and tear that goes onto that. And so we just want to make sure that that's a part of the conversation that there are items that will need to

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be replaced more frequently if we're moving those off property. There's also just the question of insurance coverage's. Who's moving them? I know there's been situations in the past where there have been pieces of equipment that have gone off property and they were damaged to points beyond repair. And again just the replacement cost of that can be significant. Also a lot of the times especially with the larger pieces of equipment like the mobile stage and the mobile bleacher, they need to be transported and opened and set up by our staff that's trained. In order to do that you have to make sure that it's level and the electric's set up properly and that it's working and oftentimes for the events it's on the weekends. And so it incurs additional overtime to move and haul those. So that would be kind of the first recommendation would just be changing that definition to be a little bit more open and broad-based and then it would allow more discretion for the Department to determine what events equipment should go off...County equipment should go off of County property for community events. The other option would be to leave the definition as is and to look at maybe changing the equipment rental policy, procedures, and fee structure. And perhaps building in a fee structure for maybe certain pieces of equipment, maybe not all pieces of equipment that could be rented and taken off of County property. For the primary examples of some of the things we talked about last time, I know that there's a significant amount of the wooden picnic tables in Molokai that frequently have been used off of County property. And that's been something that I think that has been, again, a good asset for that community to be able to have access to. Those are a piece of equipment that, with insurance coverage, potentially we could have the people that are renting them pick them up and drop them off from site. We wouldn't necessarily have to transport those with County employees. So again, there might be, unless it's that all County equipment...it's desired for all County equipment to be able to used off of County property, it might be just looking at the fee structure and creating more of an equipment rental mechanism. That if it's not being used on County property for a permitted event on County property, if it's available, then it can be rented off property and have a separate fee structure set up for that. So those are the two options that the Department wanted to provide for maybe further discussion about the cosponsorship or Department sponsored.

CHAIR GUZMAN: Okay. Mr. Couch?

COUNCILMEMBER COUCH: Mr. Chair, are we going through these --

CHAIR GUZMAN: Yes. Yes.

COUNCILMEMBER COUCH: --completely or can we ask questions now?

CHAIR GUZMAN: Yes. We were gonna' go through it completely because...

COUNCILMEMBER COUCH: Without asking questions?

CHAIR GUZMAN: Yeah, we can ask questions.

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COUNCILMEMBER COUCH: Okay. I'm fine with one way or the other. The only concern I have in your two options is one, you talk about...in option one you talk about Department sponsored can be any functions, activities, or events sponsored by the County and recognized by the Department. I would like to see in, you know, if we pick up option two, to say the same thing. Kinda the same thing as far as, it's not just the Department, it could be...because the other...usually it's OED and sometimes it might be DEM to do a recycling effort or some other department might want to do something that is County sponsored. The key thing is County sponsored, I think. Because we do have several different departments that sponsor things.

CHAIR GUZMAN: I see the difference between the two.

COUNCILMEMBER COUCH: Yeah. Yeah.

CHAIR GUZMAN: Because the one, the first option, Ms. Savage, is basically a general blanket like saying any function sponsored by the County and...oh I guess it has to be sponsored by the County and recognized by the Department.

COUNCILMEMBER COUCH: I would think that if..

CHAIR GUZMAN: And then option two is all activities solely sponsored by the Department. And I guess that's a permit to rent the equipment --

COUNCILMEMBER COUCH: Right.

CHAIR GUZMAN: --in option two. But I'm...just a follow up with Mr. Couch, how does option one does...is that by the...how does that process works? Does it direct...the Director says it's okay go take this equipment? I mean how, what is the function there? How is that going to be given to citizens, the equipment? And additional financial support, can you explain that?

COUNCILMEMBER COUCH: Mr. Chair, if I may add on to that --

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

COUNCILMEMBER COUCH: --because I have the same thing. Let me just use an example that has come up before and that I'm familiar with. Kihei Fourth Friday, they are looking at potentially using the stages, you know, the portable stages but again, it's offsite. But it is a County sponsored sort of event. OED gives them a grant. So, in a situation like that, would either one of these work? I mean, in option two it would just be a fee for that. But option one, like he said --

CHAIR GUZMAN: Yeah. How does that...

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COUNCILMEMBER COUCH: --how's that work?

CHAIR GUZMAN: How is that executed, or how does that work?

MS. SAVAGE: Thank you, Chair. So I think for both of these options there will need to be some adjustments made just to the fee structure. Unless, again, unless the Council determines that whether an event is cosponsored and it's on County property or it's a cosponsored and it's off County property. That we want that cosponsored what is currently shown as the Type 2 and Type 2R permit fees. Where there's the rental and deposit fees. Unless they want those same fee amounts to apply, whether it's onsite or offsite. If they want those same fee structures then there wouldn't need to be anything additional. I guess, what I'm expressing from a Department standpoint is when it's off of County property, oftentimes we can't set it up and break it down on our timeframes. Right now when we have events on our property, you know, the staffing that we have that has the licenses to be able to move these large pieces of equipment and make sure they're secured are working from 7:00 to 3:30. So we're usually setting that up and securing it before, you know, a day or so before the event. And then we're breaking it down on that Monday after the event's cleaned up. The concern on private property and especially with those weekend events is the turnaround has to be much quicker so we're going to have to have somebody on overtime, you know, going out right before the event setting it up. And then same thing, as soon as that event is over, most likely that same night in a lot of locations, there's going to need to be that immediate breakdown. And so the concern from the Department comes into play with knowing how many of those events would probably exist. And especially if they're getting the County cosponsored rate, which is very, very, very minimal, there's going to be a lot of that that's just going to eat into the Department's operation costs. And so if we were going that route, we would want to make sure that we made some projections on, you know, how many weekends is this equipment normally available. How many times may we be doing it. And then making sure that those monies get added into our operations budget so that it's not preventing us from performing the other functions that we're using those monies for currently.

CHAIR GUZMAN: That would be for both options though, right? Option one and two? To get that type of logistics.

MS. SAVAGE: Unless the fee structure...

CHAIR GUZMAN: On option two. . . *(inaudible)*. . . fee structure.

MS. SAVAGE: Yeah. Unless the fee structure was to say we want to do a separate fee structure, that if an event wants to rent this County property for their event and we're going to do...create a separate cost for that. I mean eventually, unless it was a separate type of, you know, fund that was going directly back to us. But yes, there would need to be those additional monies put into our operating budget. But the idea would be that those costs are being recovered through the fees that are being charged.



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CHAIR GUZMAN: Like a rental. Ms. Crivello?

COUNCILMEMBER CRIVELLO: Thank you. And you may have mentioned it. So, say like what Mr. Couch mentioned about Kihei First or whatever Fridays, would like to rent the equipment. Could they also, well with the deposit as well as the fees, rental fees, if there is such a thing, could they transport and set up with their own private hauler? That would be something that could be allowed so that we don't incur operational expense with the Department.

CHAIR GUZMAN: Ms. Savage?

MS. SAVAGE: Thank you, Chair. For certain pieces of equipment, I think it would be easier to say yes for that, you know, things again like the picnic tables. The portable stage and the portable bleachers, at this point, probably not just because those do require additional knowledge and expertise and training that we have certain staff, you know, that are required for that. You know, if there was to be some businesses that came forth and said we want to be trained on how to do this and they already have certain licenses and expertise that are a part of their business, I mean there might be something that we could arrange, again just to make sure that, you know, they're setting it up property...properly and it's leveled out the way it needs to be. And the electrical is set up so that it doesn't damage the system. But it is, those two pieces of equipment are large enough and expensive enough that I would be pretty concerned with just being willing to say okay someone can just come pick it up and take it somewhere else. Yeah.

CHAIR GUZMAN: Mr. Couch?

COUNCILMEMBER COUCH: So, if you're asking for a, you know, a preference or are you asking for a preference at this point?

CHAIR GUZMAN: Yeah. Yeah. I mean if, just to give you a road map, we're going to go through all of the articles and whatever changes we make, we're going to make.

COUNCILMEMBER COUCH: Sure.

CHAIR GUZMAN: And at the very end, we'll have one complete chapter. And then we can vote on that. And if we want to pick and choose what --

COUNCILMEMBER COUCH: Right.

CHAIR GUZMAN: --we need to change, at that point we can. But anytime during this whole process we can change it. And so if you want to make that decision now, whether option one or two, we can do that now or we can leave it open, as is right now. And then at the very end we can come back and make that decision.

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COUNCILMEMBER COUCH: And I think it might be better if we had a few more Members here, so.

CHAIR GUZMAN: Right. Right. Right.

COUNCILMEMBER COUCH: I'm . . .*(inaudible)* . . .

CHAIR GUZMAN: So at least...okay. So at least we have it, we have two options that were presented and we can review those and when it's time to finally approve the entire chapter, then we can choose which option we want. Or if you want to --

COUNCILMEMBER COUCH: Do a third?

CHAIR GUZMAN: --suggest...yeah, do a third. That would be good. And just submit to the Committee.

COUNCILMEMBER COUCH: Okay. I was just going to throw one out.

CHAIR GUZMAN: Okay. Go ahead.

COUNCILMEMBER COUCH: Real quick.

CHAIR GUZMAN: We're taking notes.

COUNCILMEMBER COUCH: In a...yeah. In option two, if we're going to do a fee, which I think is reasonable, if it is a "County sponsored event," is there a way we can put in there that that fee can be shared? You know, County will provide half the cost. Not necessarily actually the cost, it's just can cut the fee in half. I know that may cause some problems with the, you know, the whole fees...rates and fees section of the budget. But is there a way we can put the language in there that potentially, if it's something that, you know, the Department or the County really wants to help out with, they can either eat the whole fee or split the fee in some way? Is that something desirable by this Committee, Chair?

CHAIR GUZMAN: I mean are you asking for a third option --

COUNCILMEMBER COUCH: Just to...

CHAIR GUZMAN: --to be included in there?

COUNCILMEMBER COUCH: Yeah.

CHAIR GUZMAN: We can put in a third option. I mean, it's our discretion to do so. And then we can come back when we have a full Committee to vote on --

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COUNCILMEMBER COUCH: Right.

CHAIR GUZMAN: --all the different sections.

COUNCILMEMBER COUCH: I guess it would be a question for Corporation Counsel first, because of the fact that if there's a set fee for this set of bleachers, right? Hundred dollars for the event. But it's a County cosponsored event and the County said yeah, we really want to help out with this so we'll only charge you 50 bucks. How does that work with the budget ordinance? Or can we write some language in here that it's a flexible...I know, you know, 'cause we're trying to deal with the rates and fees section of the budget. So I don't know how we can tweak that if we can, you know.

CHAIR GUZMAN: Okay. Do you have any comments, Department or Corporation Counsel?

MS. SHEPPARD: Well I think it would depend on how we phrase the fee structure in the budget so you can set up the category for if it's totally paid by the user or if it's partially paid by the County.

COUNCILMEMBER COUCH: So we can put a range? Zero to a \$100 for the bleacher?

MS. SHEPPARD: It's possible to adjust it, yes.

COUNCILMEMBER COUCH: There goes --

CHAIR GUZMAN: What? What? Okay.

COUNCILMEMBER COUCH: --former budget chair.

CHAIR GUZMAN: Mr. White?

COUNCILMEMBER WHITE: My recollection is we tried to do that with golf fees.

UNIDENTIFIED SPEAKER: Yeah.

CHAIR GUZMAN: Right.

COUNCILMEMBER WHITE: And we were told cannot.

CHAIR GUZMAN: I remember.

COUNCILMEMBER WHITE: You can't give a range, you have to give...

MS. SHEPPARD: And then this may be something that...

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COUNCILMEMBER WHITE: We can give three different levels of fees for different reasons.

UNIDENTIFIED SPEAKER: Tiered.

COUNCILMEMBER WHITE: But I don't think we can leave it open ended. Well open in the middle anyway.

CHAIR GUZMAN: I remember that discussion.

COUNCILMEMBER COUCH: Yeah. That's why I was...

MS. SHEPPARD: So that may be something we need to have a more formal question put together so we can give a more formal answer.

UNIDENTIFIED SPEAKER: Okay.

CHAIR GUZMAN: Okay.

COUNCILMEMBER COUCH: Is that going to come from us?

CHAIR GUZMAN: Mr. White?

COUNCILMEMBER WHITE: I thought you saw me a couple times earlier.

CHAIR GUZMAN: I didn't see you.

COUNCILMEMBER WHITE: Just a question. Do you have this document posted anywhere for public review? Are they aware of various changes? And to what degree have you gone out to the public with this?

CHAIR GUZMAN: Ms. Savage?

MS. SAVAGE: Thank you, Chair. In the creation and formation of this document over the last two and a half years, there has been a significant amount of public meetings and public input. We've talked briefly. Now that this is comprehensively, the comparison document is comprehensively finished. We've talked with...lost my...EAR Committee Staff about getting this posted up on the County website so that they can see this comparison document since the proposed ordinance is only...it just shows that everything's being repealed. It's hard to see side by side --

COUNCILMEMBER WHITE: Right.

MS. SAVAGE: --the changes.

COUNCILMEMBER WHITE: Right.

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MS. SAVAGE: So, I am...do have a version of this that we can put up on the County website as well.

COUNCILMEMBER WHITE: On our website or --

MS. SAVAGE: Yes.

COUNCILMEMBER WHITE: --on...do you have a place on the Parks Department?

MS. SAVAGE: Either or both. We can put it on our Parks website as well.

COUNCILMEMBER WHITE: I think I'd like to have this posted if possible, Chair.

CHAIR GUZMAN: Okay. If we can do that with Staff? Thank you.

COUNCILMEMBER WHITE: Then the other question I have was when you are renting items, I'll just pick the picnic tables, when you're renting them for offsite use do the rental fees cover whatever overtime may be expended to move them and to retrieve them?

CHAIR GUZMAN: Ms. Savage?

MS. SAVAGE: Thank you, Chair. No. The rental charges for most of the equipment is very minimal and especially because so many of the events are County cosponsored which means that it's even less significant. Now if it's going...if you're talking about going off of County property, there's only...I mean, historically there has been times that the Department has provided for equipment to go off of County property. And...yeah, there's usually not the permitting process because it's not explicitly stated in the current permitted process, wasn't historically looked at. If we have...there's a couple examples of places that, like we have license and lease agreements with. Like it's County property but we don't normally issue permits at those locations because it's under a lease license, sometimes there's events there that will ask for equipment. And so when those get permitted they usually get permitted the same thing under like a County cosponsored. So again, any of the County cosponsored events the...very, very reduced fee structure that does not cover the cost of transporting items.

COUNCILMEMBER WHITE: And you mentioned that there have been times when the item has been destroyed. Does the Department have insurance for things of that nature or for events of that nature?

MS. SAVAGE: When items are...

COUNCILMEMBER WHITE: If something's destroyed do you have insurance that will cover the replacement costs?

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MS. SAVAGE: Correct. So any permit that is issued for on County property that receives a Parks permit, we do receive insurance for unless it's like the private parties at the community centers, are the one exemption that we don't have. We don't require insurance from those individuals. But all of the special events that primarily are using the equipment, yes, provide insurance coverage for the pieces of equipment.

COUNCILMEMBER WHITE: This is provided by the person who's using it --

MS. SAVAGE: The applicant. Correct.

COUNCILMEMBER WHITE: --not by the Department?

MS. SAVAGE: Correct.

COUNCILMEMBER WHITE: Okay.

CHAIR GUZMAN: So...

COUNCILMEMBER WHITE: So have we asked people to replace things if they've destroyed them?

MS. SAVAGE: It has not in the past, no.

COUNCILMEMBER CRIVELLO: Chair?

COUNCILMEMBER WHITE: That's a bit of a problem for me.

COUNCILMEMBER CRIVELLO: Is there not a deposit fee to cover any kind of damage that comes with in addition to the actual rental usage fee?

CHAIR GUZMAN: Ms. Savage?

MS. SAVAGE: Thank you, Chair. Yes, so with all of the ...and again, anytime there's a permit issued for on Parks property and there's an equipment request that goes with that, there's deposits and rental fees for each of the different types of permits that could be issued, whether it's cosponsored, or nonprofit, commercial deposits and rental fees for all pieces of equipment.

CHAIR GUZMAN: Mr. White?

COUNCILMEMBER WHITE: Thanks. But the deposit fees I recall are in the neighborhood of \$200. So if you have a couple of broken pieces of equipment, that deposit's not going to cover it. So this is a deposit, more of a cleaning deposit than a damage deposit, right?

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MS. SAVAGE: That's correct.

COUNCILMEMBER WHITE: Would you think we should establish a damage deposit as well?

CHAIR GUZMAN: Damage deposit.

UNIDENTIFIED SPEAKER: Yeah.

CHAIR GUZMAN: Ms. Savage?

MS. SAVAGE: Thank you, Chair. So there was some language that we did add in, it's a little bit later on I think in Article 3, that we added in that if there was damage and the deposit doesn't cover it, that we will be recovering the excess cost through any legal means necessary. So that was language that we have added in in different areas to be able to recover those. I think for some of the larger pieces of equipment the battle comes between if you were to really charge more of a damage type of deposit, would a lot of the community groups that we have this equipment for that we want to utilize this equipment, would they be able to afford, you know, that maybe that large of a deposit. And so I think that's part of the reason that the deposit structure was set up as it was. So I think that would be just one concern in looking at it is can we look at maybe bumping up more of a damage deposit type of cost? But then the question would just be are we still gonna be able to maximize the usage of that piece of equipment at the community events.

COUNCILMEMBER WHITE: No, I understand that but I...but a deposit is something that you get back in full if there are no problems. So I realize you still have to come up with it initially but...anyway it's a concern that I would have, Chair.

CHAIR GUZMAN: Thank you.

COUNCILMEMBER WHITE: Thank you.

CHAIR GUZMAN: Let me state something here really quick. I'm going to lose quorum at 4:15 and so I apologize, but I think right now can we get the Department just to go over the different --

COUNCILMEMBER COUCH: Okay.

CHAIR GUZMAN: --issues?

COUNCILMEMBER COUCH: Thank you, Chair.

CHAIR GUZMAN: 'Cause then at that point I think we'll run out of time. And then what I'll do is I'll schedule a full meeting on this to make up on the time. Ms. Savage?

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MS. SAVAGE: Thank you, Chair. So moving into the next, the next question was looking at the definition of the Director. And the question being on...let me find the page reference here. Rephrasing to authorize others to make the determination, not just the Director. So on Page 9 of 43, as to whether events or activities are compatible with the purpose for which any park or recreational facility was designed. When we looked at...there was...the definition of Director identifies the Director of the Department of Parks and Recreation of the County or an authorized representative. We added an additional definition for authorized representative. So this would be, again, a new definition. That means any person designated to act for the Director. These...again, that additional definition on Page 5 provides that as we set up a permit structure, there can be different positions and level of authority given from the Director to, kind of the permitting structure itself in order for those types of determinations to be made. This...more parameters around priorities and appropriate usage of facilities would be something that in the administrative rules we would go into in significantly more detail. And so the administrative rules would become that Department guideline through working with the public and the public hearing process to determine these are the criteria that the Director and the Department's looking at when making decisions on what compatible uses are.

CHAIR GUZMAN: I know this was Mr. Couch's issue on the Director authorize...I believe this came from you.

COUNCILMEMBER COUCH: I don't recall. I don't have anything down on my notes.

CHAIR GUZMAN: Oh yeah. This is where you had that story where you were an EA with the Mayor's Office and you were trying to convince the Director of Parks to do something or another and he wouldn't budge. And I think that...was that...Staff, was that, was this issue from...

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . . Mr. Couch.

COUNCILMEMBER COUCH: Okay.

CHAIR GUZMAN: It was from...

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . . needed an alternative person.

COUNCILMEMBER COUCH: Yes. Yes.

CHAIR GUZMAN: Yeah. He needed an alternative person to go to instead of directly to the Director.

COUNCILMEMBER COUCH: Well yes, I understand that but it has to be designated to act as the Director, so.



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CHAIR GUZMAN: So is this language...

COUNCILMEMBER COUCH: I mean it already is that way in there, so. It's...it would depend...yeah. This is fine.

CHAIR GUZMAN: Okay.

COUNCILMEMBER COUCH: Yeah.

CHAIR GUZMAN: Okay. Ms. Crivello?

COUNCILMEMBER CRIVELLO: So with the authorization level, you know, your Director is located on Maui. And if I were to look at Molokai--I can only speak on behalf of Molokai--we have a...I don't know what the title is, but someone's in charge anyway, with Parks and Recreation. And, you know, I think it would be beneficial for your community as well as your Department if there is some sort of allowance for that individual or his assigned individual to give some authority because what I've noticed lately, everybody walks on egg shell because they don't know what the rules are. This is what is coming down from the Department and so we have to go back to Maui to get that clarified. I think that that does not empower your employees, you know, that lacks empowerment for them to make decision. Of course that comes with accountability too, but I don't know how to word it exactly. But I think sometimes as long as...once I think we get this fully in place, as long as everybody understands and with all of this I would encourage community participation or information out there. Outreach anyway.

CHAIR GUZMAN: So I guess the...to follow up that question, would personnel on Molokai be acting for the Director? Or at least given the authority to act or have the power given to them from the Director to authorize, I guess, certain permits...not permits but whatever it needs to be, decisions to be made? So that people wouldn't have to call Maui, it'd just directly go to Molokai.

MS. SAVAGE: Thank you, Chair. So the structure that we're trying to get to would yes, have different levels, there's different levels of the permitting process. And so there's different people that have the authority to make different decisions for different types of permits. And the idea is that, you know, again part of the reason we're here is because, you know, there has been a huge amount of feedback that I've gotten from the community and from our Department in different situations where it's confusing. And people don't know when to apply this rule and when to apply that rule. And it gets interpreted one way by someone and someone else interprets it differently. And so that's why we're looking at, you know, this is really the first step. These code revisions, then getting an administrative rules, and then once staff is thoroughly trained on that, then absolutely. Empowering people to be able to make decisions and then people feel confident in knowing, am I making the right decision? Am I interpreting this the way I'm supposed to be interpreting it? And that's what we want

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to get to. We want it to be that every, I guess, district when people are getting a permit, they have confidence in the County park system that the rules are being applied to same way at every location. And that we want the staff to be able to confidentially make those decisions and know that they're all doing it the same way and they're interpreting it the same way. So that ultimately is the goal that we're trying to get to with this.

COUNCILMEMBER CRIVELLO: Chair?

CHAIR GUZMAN: Yes?

COUNCILMEMBER CRIVELLO: In regards to your statement, I can appreciate what you're saying is that, you know, the rules is straight where everybody understand it and you have your standards. But I have to remind you that one size does not fit all and we're a unique County, very unique. You know, there's no other County that were separated by waters and the demographics and what we've been doing for hundreds of years and then, you know, and if it's not broken why are we doing all these fixes. So I guess as we go through this, you know, there's...I understand what you're trying to implement but one size doesn't fit all and as we continue this deliberations or discussion, like, I hope we can go and, you know, this...I'm sure Mr. Hokama will agree with me that Lanai and Molokai completely differently or, you know, Hana or even Upcountry for that matter, you know. Yeah.

CHAIR GUZMAN: So any other further comments or questions or we...I know you...

COUNCILMEMBER CRIVELLO: I'm so sorry.

CHAIR GUZMAN: I know Ms. Crivello needs to leave. Can we address the last two items fairly quickly? I think item number three I agree with.

COUNCILMEMBER CRIVELLO: What page are you on?

CHAIR GUZMAN: If you could elaborate more.

MS. SAVAGE: Absolutely. So item three on Page 17 of 43 was looking at the inclusion of a financial report in the annual reporting. And so this would only pertain to Department-sponsored events. And as we kinda look through and talk through this a little bit further, weren't sure that the...and it might just be that we need additional clarification, but the additional financial reporting in this section would be only for the events that were County cosponsored or longer than the four...five consecutive days. And so this wouldn't necessarily include all of the events. And so I think just clarification on the financial reporting, you know, is it just...would it be another document that we would just be trying to require as a part of the permitting process that we need to track down after the event? Or maybe just trying to identify more...what is it specifically that we're trying to gather from that information just to

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make sure that it's not just another report that is taking additional staff hours for us to track down 'cause this would be after the event is completed.

CHAIR GUZMAN: Right.

MS. SAVAGE: And knowing some of the few items that we do have to gather after events, it takes a considerable amount of staff hours for us to get all of the appropriate documentation from members of the public for any of these permitted events. And so as we try to streamline that and look at what is really necessary for us to require, what's vital pieces of information that's going to help us in decision making or help this body in decision making, we just want to make sure that we're trying to get those matched in as efficiently as possible. And that we're not just asking for additional information that isn't going to help us, I guess, be reviewed or help us make a decision in one way or the other.

CHAIR GUZMAN: Right. This was Mr. Hokama's request for consideration. So I think we'll just flag this and wait till Mr. Hokama comes back to clarify what his...I guess, the intention of the data collection would be for. And so we'll just flag that when Mr. Hokama comes back. Okay. So then we're at...

COUNCILMEMBER WHITE: Chair?

CHAIR GUZMAN: Yes, Mr. White?

COUNCILMEMBER WHITE: If I could just ask. My recollection is that he wanted to get a sense of how much time and energy is put into County-sponsored or Department-sponsored events versus ones that are paying their own way. And I'm not certain whether he was asking for, you know, detailed financial information or just a breakdown of how many of this type versus how many of that type. And I would agree that we don't want to be creating reports just to, you know, just to create reports but I think it's important for the decision-making process to have a sense of how much time and energy is going into to the County-sponsored events versus how many, you know, how many events are actually paying their own way, so.

CHAIR GUZMAN: Right. Maybe with that being said, I'm not...and maybe we'll have to clarify with Mr. Hokama but --

COUNCILMEMBER WHITE: Yeah.

CHAIR GUZMAN: --maybe you can take that back with you, Ms. Savage, and somehow work in maybe a more simplistic reporting. I guess, it seems as though we're not looking at details. Okay. Moving onto the last issue that the Committee discussed for Article 1.

MS. SAVAGE: Okay. So the final item is also on Page 17 at the bottom. This was the new recreation program fund that we are proposing that would allow for the monies for

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league permits and registration fees to go directly into this fund so that it can be expended directly out on officiating costs, scorekeeping costs, and specific equipment to that league. The discussion had been that before a new program fund is created the Council would like to see, or the Committee would like to see how it works, run it as a pilot program first. And so it would just be basically just deleting this section of proposed language. The Department will put together a budget amendment with the anticipated cost to run some of these sample leagues for the remainder of this fiscal year and see how that goes. And then at that point, once the pilot program has ran for a while, it can then either be brought back to this Committee to include the same type of language or there may be things learned throughout the pilot program process that would 'cause us to make changes or adjustments and propose something else. But that would be the follow up that can be taken on this item.

CHAIR GUZMAN: I think we had consensus at the last meeting that that would be the route to take. So at least we have it flagged and indicated that we would be expecting some type of logistics to come through. And then possibly amend it to the budget from the Department. But, I'm so sorry, Members, at this time I need to, without objections, defer this matter.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR GUZMAN: And we are going to lose quorum. So without objections, I'm going to defer this matter.

**ACTION: DEFER.**

CHAIR GUZMAN: Thank you very much for all your patience. Meeting is adjourned. Thank you. . . .(gavel). . .

**ADJOURN: 4:21 p.m.**

APPROVED BY:



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

ear:min:151103:tc

Transcribed by: Tiare del Castillo

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CERTIFICATE

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

DATED the 24<sup>th</sup> day of November, 2015, in Pukalani, Hawaii

A handwritten signature in black ink, appearing to read 'Tiare del Castillo', written over a horizontal line.

Tiare del Castillo