

**ANIMAL CONTROL BOARD
COUNTY OF MAUI**

APRIL 12, 2021
9:00 A.M.

MEETING SITE: ONLINE ONLY
Via BlueJeans Videoconferencing Platform
Meeting ID: 373469845

AGENDA

- I. **ROLL CALL AND DETERMINATION OF QUORUM**
- II. **PUBLIC TESTIMONY (Testimony will be limited to a maximum of three (3) minutes)**
 - A. Phone testimony: 1-408-915-6290 and enter Meeting ID 373469845
 - B. Video testimony: <https://bluejeans.com/373469845>
- III. **APPROVAL OF MINUTES OF THE MARCH 8, 2021 MEETING**
- IV. **REVIEW AND APPROVAL OF PROPOSED DECISIONS AND ORDER FROM THE MARCH 8, 2021 CONTESTED CASE HEARING****
- V. **PRESENTATION ON PROPOSED LEGISLATION BY STEVE MACKINNON, CEO, MAUI HUMANE SOCIETY****
 - A. Board may discuss this item and take necessary action
- VI. **MEMORANDUM RECEIVED FROM THE MAUI CHARTER COMMISSION**
 - A. Board may discuss this item and take necessary action
- VII. **ADJOURNMENT**

AGENDA ITEMS ARE SUBJECT TO CANCELLATION

**AN EXECUTIVE SESSION MAY BE CALLED IN ORDER FOR THE BOARD TO CONSULT WITH THEIR ATTORNEY ON QUESTIONS AND ISSUES PERTAINING TO THE BOARD'S POWERS, DUTIES, PRIVILEGES, IMMUNITIES AND LIABILITIES, PURSUANT TO SEC. 92-5, H.R.S.

IF YOU HAVE SPECIAL NEEDS OR REQUIRE ACCOMMODATION THAT WOULD ASSIST IN YOUR SUCCESSFUL PARTICIPATION IN THE MEETING (I.E., LARGE PRINT, TAPED MATERIALS, SIGN LANGUAGE INTERPRETER, HANDICAPPED-ACCESSIBLE PARKING, ETC.), PLEASE CALL KIM FERGUSON AT 270-7805 AT LEAST FIVE (5) WORKING DAYS BEFORE THE SCHEDULED MEETING.

BOARD PACKETS, AS DEFINED BY SECTION 92-7.5 OF THE HAWAII REVISED STATUTES, ARE AVAILABLE FOR INSPECTION AT THE DEPARTMENT OF HOUSING AND HUMAN CONCERNS' ADMINISTRATION OFFICE, LOCATED AT 2200 MAIN STREET, SUITE 546, WAILUKU, HI. BOARD PACKETS ARE ALSO AVAILABLE ELECTRONICALLY AS SOON AS PRACTICABLE BY REQUEST.

ORDINANCE NO. _____

BILL NO. _____ (2020)

A BILL FOR AN ORDINANCE TO ESTABLISH THE RESPONSIBLE ANIMAL OWNERS ORDINANCE

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. The Responsible Animals Owners Ordinance is intended to ensure responsible animal ownership by requiring irresponsible owners to surrender their animals.

SECTION 2. Chapter 6.04, Maui County Code, is amended by adding a new section to read as follows:

“6.04.047 Responsible animal owners. A. This section may be cited as the responsible animal owners ordinance.

B. An animal control officer or enforcement officer may designate an owner as an irresponsible owner if there is probable cause to believe the owner has committed, within a twelve-month period, two or more violations of the Maui County Code, Hawaii Revised Statutes, or County or State administrative rules relating to the treatment of animals.

C. The animal control officer or enforcement officer must give an owner designated as an irresponsible owner a written notice stating the following:

1. The owner has been designated an irresponsible owner.

2. The owner may appeal the designation to the board in writing within ten days.

3. If the owner does not timely appeal, the owner’s animals will be permanently forfeited.

D. An owner designated as an irresponsible owner must, upon receiving written notice of the designation, immediately surrender all animals under the owner’s care or control to one of the following:

1. An animal control officer.

2. An animal shelter.

3. Upon approval of an animal control officer or an animal shelter, a responsible person.

E. If an owner designated as an irresponsible owner fails to immediately surrender all animals under the owner's care or control, an animal control officer must impound the animals.

F. An owner designated as an irresponsible owner is liable for expenses relating to boarding the animals as determined by the board and any applicable fees established in the annual budget.

G. The board must hold a hearing within thirty days of receipt of an appeal to determine whether to uphold or vacate the irresponsible owner designation. If the designation is upheld, the board must also determine: disposition of the irresponsible owner's animals; whether the irresponsible owner is precluded from caring for or owning any animal for a designated period of up to five years; and the irresponsible owner's liability for expenses.

H. If the board fails to convene a hearing within thirty days after it receives an appeal, the irresponsible owner designation will be vacated.

I. If an irresponsible owner designation is vacated, the owner's animals must be promptly returned to the owner, and the owner will not be liable for any expenses otherwise chargeable to the owner.

J. If an owner does not timely appeal the irresponsible owner designation, the board must hold a hearing within a reasonable amount of time to determine: disposition of the irresponsible owner's animals; whether the irresponsible owner is precluded from caring for or owning any animal for a designated period of time of up to five years; and the irresponsible owner's liability for expenses."

SECTION 3. Section 6.04.095, Maui County Code, is amended to read as

follows:

"6.04.095 Animal control board. A. Establishment. There [shall be and] is created an animal control board consisting of five members who [shall] are appointed by the mayor with the approval of the [County] council.

B. Terms and operations. The members of the board [shall] serve for staggered terms of three years beginning on April 1 and ending on March 31 three years thereafter. The board [shall] must select a chairperson and vice chairperson annually.

[Any vacancy occurring due to the expiration of a member's term must be filled in accordance with section 13-2.17 of the Maui County Charter.]

C. Powers, duties, and responsibilities.

1. The jurisdiction of the board [shall] is:
 - a. To hear and determine appeals from decisions concerning dangerous dogs and irresponsible owners as set forth in sections 6.04.046, 6.04.047, and 6.04.050, and from any related order issued by an enforcement or animal control officer. [relating thereto.]
 - b. To conduct hearings on notices issued [pursuant to] in accordance with subsections 6.04.046.B, 6.04.047.C, and 6.04.050.B.3, and [thereafter] determine the status and disposition of the [dog] animal.
 - c. [After hearing the appeal, the board shall] To notify the owner in writing of its decision[.] after hearing the appeal.

2. The board may reconsider, reverse, affirm, or modify, wholly or partly, any decision appealed from. Exceptions or modification from the strict application of the provisions of sections 6.04.046, 6.04.047, and 6.04.050 may be granted only if the board finds both of the following:

- a. [That the] The strict application, operation, or enforcement of the provision being appealed from would result in practical difficulty or unnecessary hardship to the appellant[; and].
- b. [That an] An exception, reversal, or modification will not jeopardize life, limb, or property.

3. A decision of the board that a dog is not a dangerous dog [shall] or an owner is not an irresponsible animal owner will not preclude a subsequent designation of the dog as a dangerous dog or the owner as an irresponsible owner for [other cause.] subsequent causes.

D. [Compensation. Members of the board shall not be compensated, but the members shall be reimbursed for expenses incurred in accordance with established County procedures.] Terms and operation. Section 13-2 of the charter applies to the board in the same manner as it applies to boards and commissions recognized by the charter, except when inconsistent with this chapter.

E. Procedure. The proceedings of the board [shall be] are subject to the provisions of chapter 91, Hawaii Revised Statutes, as amended. The board [shall] must adopt rules for conducting its meetings, hearings, and investigations. [in conformity therewith and impose reasonable fees to cover the costs of its proceedings.]

F. Fee. Any appeal to the board [shall] must be accompanied by a fee as set forth in the annual budget.”

SECTION 4. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

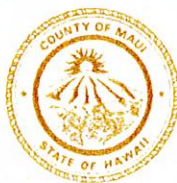
SECTION 5. This ordinance takes effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

paf:lcm:20-090b

LANCE COLLINS, CHAIR
GRANT CHUN, VICE CHAIR
KELSON KAUAOUE BATANGAN
DOREEN CANTO
DAVID DELEON
PAUL DESLAURIERS
KAREY KAPOI
KEONI KUOHA
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ASHLEY OLSON
GEORGE PURDY IV



CHARTER COMMISSION
COUNTY OF MAUI
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March 22, 2021

MEMORANDUM

MEMO TO: MAUI COUNTY BOARDS, COMMISSIONS, AND COMMITTEES

FROM: Maui County Charter Commission *kw*

SUBJECT: Request for Submittal of Proposed Charter Amendments and/or Recommendations

The Maui County Charter Commission is tasked with the study and review of the operation of the government of the county under such amendments or new charter and to propose amendments to or draft a new charter.

This memorandum is to provide you with the opportunity to submit proposed Charter amendments and/or recommendations you or your board, commission, or committee members may have. Submissions should be addressed as follows:

Maui County Charter Commission
c/o Department of the Corporation Counsel
200 S. High Street, 3rd Floor
Wailuku, Hawaii 96793

The Commission respectfully requests that all submissions be received by the Commission by May 28, 2021.

Thank you for your attention to this very important matter.

ALL BOARDS, COMMISSIONS AND COMMITTEES

March 22, 2021

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