

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

February 6, 2004

**Committee
Report No.**

04-14

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Committee of the Whole, having met on January 14, 2004, makes reference to County Communication No. 03-250, from the Chief of Police, transmitting the Volunteer Disabled Parking Enforcement Pilot Project Final Report (Final Report).

The purpose of the Final Report is to evaluate the cost-effectiveness of the pilot project, as required by Maui County Code Section 10.48.106(C).

Your Committee notes that the County had established the 3-year pilot project to enable volunteers who had been trained by the Department of Police to assist the Department in enforcing disabled parking laws. The pilot project ended on December 31, 2001. Your Committee notes that the Chief of Police indicated in his transmittal that the project was very successful and recommended the project be considered for reenactment.

By correspondence dated January 5, 2004, the Chair of your Committee transmitted a draft bill entitled "A BILL FOR AN ORDINANCE ESTABLISHING A VOLUNTEER DISABLED PARKING ENFORCEMENT PROGRAM" to the Corporation Counsel for review and approval as to form and legality. The purpose of the draft bill is to permanently establish a program for volunteer disabled parking enforcement.

By correspondence dated January 7, 2004, the Chair of your Committee noted that he had just learned of a similar bill drafted by the Department of the Corporation Counsel that is scheduled for consideration by the Maui County Commission on Persons with Disabilities (Commission) at a January 8, 2004 meeting. The Chair of your Committee requested that the Department of the Corporation Counsel provide any input from the Commission prior to the January 14, 2004 Committee of the Whole meeting.

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By correspondence dated January 8, 2004, the Chair of your Committee transmitted a revised draft bill entitled "A BILL FOR AN ORDINANCE ESTABLISHING A VOLUNTEER DISABLED PARKING ENFORCEMENT PROGRAM" to the Corporation Counsel for review and approval as to form and legality. The revised draft bill incorporates a revision suggested by the Department of Police to delete Subsection B(3)(d) pertaining to supervision and monitoring.

By correspondence dated January 9, 2004, the Department of the Corporation Counsel transmitted the proposed bill approved as to form and legality.

At its meeting, your Committee met with the Deputy Chief of Police; the Assistant Chief, Uniformed Services Bureau, Department of Police; the Acting Lieutenant, Traffic Section, Department of Police; the Americans with Disabilities Act (ADA) Coordinator, Department of Management; and a Deputy Corporation Counsel.

There was no public testimony.

Your Committee notes that the Final Report contains an overview of the project, the number of citations issued during the project implementation period, the costs associated with the project, and a total estimated annual cost of less than \$10,000 to continue the program. The proposed bill establishing a permanent volunteer disabled parking enforcement program tracks the provisions of the pilot project under Section 10.48.106 of the Maui County Code.

The Deputy Chief of Police provided your Committee with an overview of the pilot project, which began in 1998. Volunteer training began in late 1999, with ten volunteers. The Deputy Chief reiterated that the project had been very successful, and that the Department supported the continuation of the project.

The ADA Coordinator commented on the pilot project on behalf of the Commission. He stated that the Commission had been instrumental in developing the pilot project. The Commission feels very strongly that a permanent enforcement program would be the right direction for the Council to take.

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Your Committee discussed the fines permitted under Maui County Code Section 10.48.106. The Acting Lieutenant informed your Committee that the fines are treated like the fines for any other traffic citation, which currently go directly to the State coffers. The fines permitted under the Maui County Code are lower than those permitted under the parallel State statute. Your Committee expressed its desire to redirect the fines to the County to cover program expenses, and to increase the County fines to match the range afforded the State.

Your Committee notes that the Hawaii State Association of Counties is currently pursuing legislation to transfer fines collected for uncontested traffic citations to the County in which the violation occurred. The initial response has been favorable, but data quantifying the fines at stake would be helpful. Your Committee questioned whether the Department of Police had any record of the number of citations issued, either under the pilot project or overall, that remained uncontested. The Department responded that the information would need to be researched.

Your Committee also requested that the Department provide information concerning the number of volunteer hours spent on the pilot project.

Your Committee discussed various aspects of the pilot project, including the uniforms provided to the volunteers; screening criteria for volunteers, including minimum age requirements and background checks; and training provided the volunteers to minimize confrontations.

The Department of Police informed your Committee that its objective is to optimize the success of the program. Depending on the Department's ability to draw quality volunteers to the program, the program area may be expanded to include rural areas.

Your Committee notes that the pilot project increased community awareness of the need for disabled parking stalls. Your Committee emphasized the need to focus on volunteer training to ensure the success of any permanent program, especially one utilizing an expanded volunteer group. The Deputy Chief of Police informed your Committee that one training enhancement would be to incorporate annual recall training for volunteers into the program.

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Your Committee discussed liability concerns related to injuries to volunteers or to third parties.

The Deputy Chief of Police stated that the Department is satisfied with the proposed bill. In addition, the ADA Coordinator expressed the Commission's wholehearted support of the bill.

Your Committee sought clarification concerning whether reimbursement of expenses such as gas mileage is considered compensation. The proposed bill provides that the volunteer shall serve "without any compensation". However, the program contemplates reimbursement for certain expenses incurred by the volunteer. The Deputy Corporation Counsel opined that it did not appear that supplying uniforms or providing for mileage or phone reimbursements would fall within the meaning of compensation. Your Committee requested that the bill be revised to remove any possible confusion over the term "compensation" and reimbursement for expenses.

Your Committee voted to recommend passage of the revised proposed bill on first reading and filing of the communication.

Your Committee is in receipt of a revised proposed bill, approved as to form and legality, incorporating your Committee's suggested revisions.

Your Committee of the Whole **RECOMMENDS** the following:

1. That Bill No. _____ (2004), attached hereto, entitled "A BILL FOR AN ORDINANCE ESTABLISHING A VOLUNTEER DISABLED PARKING ENFORCEMENT PROGRAM" be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication No. 03-250 be FILED.

Adoption of this report is respectfully requested.

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