

NOTICE OF PUBLIC HEARING

Pursuant to Section 91-3, Hawaii Revised Statutes, the Department of Parks and Recreation of the County of Maui ("Department") hereby provides notice of a Public Hearing to all persons interested, regarding the proposed adoption of amendments to Title MC-10, Department of Parks And Recreation, Subtitle 01, Director of The Department Of Parks And Recreation, Chapter 106, Rules Relating To The Administration Of Parks And Recreational Facilities And Permits For The Use Of Parks And Recreational Facilities, Pursuant To Chapter 13.04A, Maui County Code ("Rules"). The proposed amendments to the Rules specifically affect Community Class permits.

The entire text of the proposed rule amendments are listed below, and substantive changes are summarized as follows:

SUMMARY:

1. Section 10-106-12(b): Application Procedures.

To be amended to change the deadline for the submission of Community Class permits from the first two weeks of October to the first two weeks of September.

2. 10-106-29: Community Class Permits.

Sections (c)(6), (c)(7), and (c)(8) to be deleted, thereby removing all references to promotional periods, and the County's duty to assist in promoting Community Classes.

Section (g) to be amended by deleting the requirement that Community Classes consist of three sessions during a twelve-month period commencing November 1, and adding that Community Class permits shall be issued annually each October 1.

Section (i) to be amended to require payments for permits on a yearly basis rather than a tri-annual basis.

Section (s) to be deleted, thereby removing reference to promotional periods and free promotional classes.

Section (u) to be amended to refer persons to the Community Class Programs Policies and Procedures Packet for applicable fee schedules.

Section (x)(7) to be amended to require instructors to complete accident or incident reports within 24 hours of an incident, rather than filing the report within 24 hours of an incident.

PROPOSED RULES CHANGES:

“SUBTITLE 01

DIRECTOR OF [THE DEPARTMENT OF] PARKS AND RECREATION

CHAPTER 106

RULES RELATING TO [THE ADMINISTRATION OF PARKS AND RECREATIONAL FACILITIES AND] PERMITS FOR THE USE OF PARKS AND RECREATIONAL FACILITIES[, PURSUANT TO CHAPTER 13.04A, MAUI COUNTY CODE] [Eff] (Auth: §91-2, HRS, §13.04A.240, MCC)”

1. Section 10-106-12, Rules Relating to the Administration of Parks and Recreational Facilities and Permits for the Use of Parks and Recreational Facilities, Pursuant to Chapter 13.04A, Maui County Code, is amended by amending subsection (b) to read as follows:

“(b) Application submission periods and deadlines. Permit reservations for the use of a park or recreational facility, or any portion thereof, shall be submitted within the application window identified in Table 4. Camping permits and general use permits for private parties shall be issued on a first-come, first-served, basis. All other general use permits and special events permits shall be issued according to the department’s priority list[. (See §10-106-10).] as set forth in section 10-106-10.

| Table 4 Application Periods | |
|------------------------------------|---|
| Government Permit | Submit up to 18 months in advance of event. |
| Camping Permit | Submit up to 12 months in advance of event. |
| Community Class Permit | Submit during the first two weeks of [October.] <u>September.</u> |
| General Use Permit - Private Party | Submit up to 12 months in advance of event. |

| | Submit Date | Activity Date |
|---|---|----------------------|
| General Use Permit Leagues/Recreational Enrichment Programs | First two weeks of October | January 1 – April 15 |
| | First two weeks of January | April 16 – July 31 |
| | First two weeks of May. | August 1 – August 31 |
| Special Events Permit - Department Sponsored | Submit up to 18 months in advance of event. | |
| Special Event Permit - Department Sponsored w/Revenue | Submit up to 18 months in advance of event. | |
| Special Event Permit- Non-profit or Political Fundraiser | Submit up to 12 months in advance of event. | |
| Special Event Permit- Commercial | Submit up to 12 months in advance of event. | |

[Eff 12/5/16; am and comp] (Auth: §91-2, HRS, §13.04A.240 MCC) (Imp: §§13.04A.090, 13.04A.100, MCC)”

2. Section 10-106-29, Rules Relating to the Administration of Parks and Recreational Facilities and Permits for the Use of Parks and Recreational Facilities, Pursuant to Chapter 13.04A, Maui County Code, is amended to read as follows:

“§10-106-29 Community class permits. (a) Rules. All rules provided in subchapter 2 shall apply to community class permits.

(b) Permit [Process.] process. All permit requirements provided in subchapter 3 shall apply to community class permits.

(c) The following additional rules and procedures apply all community class permits:

- (1) Classes shall be scheduled at the discretion of the department.
- (2) Scheduling and class topics shall be based on the recreational needs of each district. Class topics shall be approved by the department.
- (3) Classes shall be related to recreation, health, or culture.
- (4) Classes shall be made available to the general public.
- (5) Department or department sponsored program(s) take precedent if a scheduling conflict occurs. If possible the department shall notify the instructor ten business days in advance of any conflict impacting a class.

- [(6) Promotional periods assist the department in determining if the community class is meeting the needs of the community through observation and evaluation of the instructor and the class.
- (7) The department shall help to promote and advertise each class prior to the promotional periods.
- (8) A scheduled two week promotional period shall be held three times during the year, at the beginning of each community class session.
Promotional Period Dates:
 - First two weeks of November.
 - First two weeks of March.
 - First two weeks of July.]
- (d) Instructors.
 - (1) Individuals interested in being an instructor shall contact the department and complete the Instructor Informational Sheet and submit online.
 - (2) The department shall review the Instructor Informational Sheet and check availability of the park or recreational facility.
 - (3) The department shall confirm availability. If no facility is available, the department shall contact instructor and place them on a waitlist.
 - (4) Instructor shall meet with the department to review and complete the following:
 - (A) Certification from a certified body that the instructor received the proper training and meets the qualifications to instruct the subject class.
 - (B) References and letters of recommendation that support instructor's skill level.
 - (C) Awards or recognition received in subject matter of class.
 - (D) Acknowledge receipt of a policy and procedure packet.
 - (E) Review class registration fees being assessed to participants.
 - (F) Provide proof of insurance.
 - (G) Receive all necessary community class paperwork for participants.
 - (H) Instructors shall be approved for community class instruction upon completing:
 - (1) All instructors shall have a federal criminal history background check and fingerprinting done at their own expense. Background checks shall be clear of any criminal history that may endanger participants[. (HRS 846.2.7)] as set forth in section 846-2.7, Hawaii Revised Statutes. Background checks and fingerprints shall not be accepted from current job positions. The department shall assist with the fingerprinting and background checks by appointment only.

- (2) Submission of proof of a [General Excise Tax (GET)] general excise tax license.
- (3) Payment for a community class permit, which can be made at any department permit office.
- (5) Additional instructors may teach under the direct supervision of the primary instructor holding the permit.
- (e) Permittees shall use the County seal and the wording, "Sponsored by the Department of Parks and Recreation" on all program advertisement only after the class has been approved. All fliers, on-line websites, public signs, etc. shall be approved by the department before circulation, distribution, or advertisement.
- (f) Display of program banners or signs at permitted County parks and recreational facilities shall be limited to the day of the class session and may be displayed no earlier than 7 a.m. Banners and signs shall be removed immediately after the end of each class. Failure to remove banners in a timely manner may result in:
 - (1) Banner removal by department staff.
 - (2) Prohibition of future use of banners or signs.
 - (3) Non-compliance warning being issued which may result in class suspension for that session.
- (g) Community [classes] class permits shall [consist of three sessions during one twelve-month period starting November 1.] be issued annually starting October 1. Permits may be renewed on an annual basis. New classes may be started at any time at the discretion of the department.
- (h) Permits for use of park or recreational facilities shall not be confirmed unless space is available and all requirements have been met.
- (i) Payments shall be made on an annual [or tri-annual] basis at any of the department permit offices.
- (j) Permits shall not be issued if all required paperwork is not submitted or current.
- (k) A community class shall not exceed two hours per class.
- (l) The department shall determine the amount of similar classes/activities that shall be permitted at the same facility or district.
- (m) Facility fees shall be assessed per class (two hours maximum) in accordance with the annual budget ordinance.
- (n) The department may terminate classes upon thirty days written notice. The decision to terminate classes shall be based on whether the class meets the following:
 - (1) Meeting the needs of the community.
 - (2) Professionalism of class and/or instructor.
 - (2) Space availability.
 - (4) Future trends.
 - (5) Cooperation with department staff.
 - (6) Number of class participants.

- (7) District's reports on [instructor and/or class.] class and/or instructor.
- (8) Participant surveys.
- (9) Fulfilling program requirements in a timely manner.

Should a permittee disagree with termination of a community class, they may send a letter for reconsideration within seven calendar days to the director, and appeal pursuant to section 10-106-6.

(o) All community classes shall maintain a minimum of five participants per class session.

(p) Aquatic-related programs shall require a ratio of four or fewer students per instructor.

(q) Evaluations. Evaluations provide accountability for quality recreational programs. The following evaluations may be required.

(1) Participant evaluations. Each registered participant shall complete a participant evaluation of the community class at least once every six months. Participant evaluations may be filled out online.

(2) Instructor evaluations. Each instructor shall complete an instructor evaluation of their class at least once every six months. Instructor evaluations may be filled out online.

(3) Drop-in evaluations. Each instructor may have drop-in evaluations of their class conducted by the department every six months.

(r) Instructors are required to fill out monthly attendance logs of all class participants. For instructors who teach more than one class, separate logs shall be completed for each class.

[(s) During the two-week promotional period, instructors may:

(1) Promote and advertise an upcoming session to generate interest.

(2) Allow free promotional classes to help generate new participant interest and registration. New registrations shall be submitted online or to the department permit office.

(t)] (s) Instructors shall maintain satisfactory responses from participant, instructor, and class evaluations.

[(u)] (t) Fees[:] (Maximum of two hours per class) that instructors can collect from the participants for classes are detailed in the community class program policies and procedures packet.

[(1) Youth (17 & under), and senior citizen classes (55 & over) may charge up to \$5.00 per hour.

(2) Adult classes may charge up to \$8.00 per hour.

(3)] All participant fees shall be collected by the instructor with a copy of the receipt made available to participants and/or the department upon request. Strict adherence to fee scale shall be enforced.

[(4) All fees during promotional periods shall be waived for both registered participants and new students.

(v)] (u) The number of class participants shall not supersede the park or recreational facility's capacity. It is the instructor's responsibility to ensure each community class remains within the park or recreational facility's capacity.

[(w)] (v) Temporary refreshment concessions shall not be allowed at community classes.

[(x)] (w) Instructors shall be responsible for:

- (1) Cleaning and locking the park or recreational facility.
- (2) Picking up and disposing of rubbish.
- (3) Locking restrooms.
- (4) Removing all signs or banners before leaving the premises.
- (5) Completing the department's accident or incident form within twenty-four hours of any accident or incident resulting in any injury or damage to any person or property during or in conjunction with the class. Emergency notification should be made by phone and augmented with the form.
- (6) Reporting any broken items discovered while using the park or recreational facility.
- (7) [The] Completing the accident or incident form [shall be filed] with the department within twenty-four hours[,] or on the next business day. [Eff 12/5/16; am and comp] (Auth: §91-2, HRS, §13.04A.240) (Imp: §§13.04A.090, 13.04A.100, 13.04A.110, 13.04A.130, 13.04A.140, MCC)"

4. Material, except source notes, to be repealed is bracketed. New material is underscored.

5. Additions to update source notes to reflect these amendments are not underscored.

6. These amendments to Chapter 106, Rules Relating to the Administration of Parks and Recreational Facilities and Permits for the Use of Parks and Recreational Facilities, Pursuant to Chapter 13.04A, Maui County Code, shall take effect ten days after filing with the Office of the County Clerk.


A copy of the proposed Rules amendments may be downloaded in PDF format from the Department's website at <https://www.mauicounty.gov/1480/Department-Rules> free of charge. A printed copy of the proposed Rules will also be mailed to any interested person who requests a copy and pays the required fees for copying and postage. Requests for a copy of the proposed Rules may be made at the Department of Parks and Recreation, Administration Office, 700 Hali'a Nakoia St., Unit 2C Wailuku, Hawaii 96793, or by calling (808) 270-7230. The proposed Rules may be reviewed in person free of charge at the Department of Parks and Recreation, Administration Office, 700 Hali'a Nakoia St., Unit 2C, Wailuku, Hawaii 96793, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding State holidays.

Representatives from the Department will conduct the Public Hearing on the proposed Rule amendments on Wednesday, January 23, 2019, at 5:30 p.m., at the Parks Conference Room in the War Memorial Complex at 700 Hali'a Nakoa St., Wailuku, Hawaii 96793.

Any interested person may submit data, views, arguments, or other testimony on the proposed Rules, orally or in writing, at the Public Hearing noted above. Also, written testimony may be submitted by mail to: Department of Parks and Recreation, Administration Office, 700 Hali'a Nakoa St., Unit 2C, Wailuku, Hawaii 96793. Written testimony must be received by the Department before 4:00 pm on Wednesday, January 23, 2019.

Any person requesting accommodations due to disabilities must call the Department of Parks and Recreation at (808) 270-7230 at least six (6) days before the date of the scheduled Public Hearing.

If further information or clarification is needed, please call the Department of Parks and Recreation, Recreation and Support Services Division, at (808) 270-7230.


KAALA BUENCONSEJO
Director, Department of
Parks and Recreation