

COUNCIL OF THE COUNTY OF MAUI
BUDGET AND FINANCE COMMITTEE

February 26, 2016

Committee
Report No. _____

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

Chair and Members:

Your Budget and Finance Committee, having met on February 2, 2016, makes reference to County Communication 15-164, from Councilmember Riki Hokama, relating to amendments to the Fiscal Year ("FY") 2016 Budget.

By correspondence dated January 21, 2016, the Budget Director transmitted the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX B, REVENUES - FEES, RATES, ASSESSMENTS AND TAXES, GENERAL FUND, CHARGES FOR CURRENT SERVICES, FEES - DISABLED PERSONS PARKING PLACARDS" ("Fees bill").

The purpose of the proposed bill is to amend Appendix B of the FY 2016 Budget to insert General Fund fees related to issuance of temporary and replacement Disabled Persons Parking Placards.

2. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE - SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF FINANCE, (STATE DISABILITY AND COMMUNICATIONS ACCESS BOARD (DCAB) PROGRAM)" ("Grant Revenue bill").

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The purpose of the proposed bill is to amend Appendix A of the FY 2016 Budget by adding \$11,504 in the Department of Finance for a grant from the State Disability and Communications Access Board ("DCAB") Program, and adding 0.3 Limited Term Appointment equivalent personnel to provide the County services required for the Statewide Program on Parking for Persons with Disabilities.

3. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE DEPARTMENT OF FINANCE, FINANCIAL SERVICES PROGRAM" ("Staffing bill").

The purpose of the proposed bill is to amend the FY 2016 Budget by adding 0.7 equivalent personnel in the Department of Finance, Financial Services Program, General, for the Statewide Program on Parking for Persons with Disabilities.

4. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 10.48, MAUI COUNTY CODE, RELATING TO STOPPING, STANDING, AND PARKING" ("Title 10 bill").

The purpose of the proposed bill is to amend Chapter 10.48, Maui County Code, to reference the relevant Hawaii Revised Statutes for parking for disabled persons and to allow the Director of Finance to charge fees related to disabled persons parking placards.

The Budget Director said the State provides funding for long-term parking placards for disabled persons as part of the DCAB Program, and the initial placard is provided to the recipient at no cost.

The Director said the State provides grant funds to the counties to pay for the counties' costs to issue the placards, at a rate set by the

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DCAB. The proposed Grant Revenue bill adds the funding for the placards to the Department of Finance.

Your Committee questioned whether the reimbursement amount from the State covers the County's actual costs of fulfilling the requirements of the disabled persons parking placard program. The Director stated the Department of Finance is analyzing FY 2016 revenues and expenditures for the program and will present that analysis during FY 2017 Budget discussions.

The Director said the initial long-term placard has no fee to the recipient, but fees are assessed for replacement and temporary placards. The proposed Fees bill adds those fees into the FY 2016 Budget, and the proposed Title 10 bill allows the Director of Finance to collect the fees.

Your Committee notes the proposed Title 10 bill also eliminates duplication in the Maui County Code with similar Hawaii Revised Statutes regarding parking for disabled persons.

Your Committee agreed with adding a 0.3 Limited Term Appointment position as part of the proposed Grant Revenue bill, but did not discuss creating the requested 0.7 equivalent personnel position in the Department of Finance's Financial Services Program, General, as was requested in the proposed Staffing bill. Your Committee noted staffing will be reviewed during the FY 2017 Budget deliberations, and therefore deferred the Staffing bill.

Your Committee voted 8-0 to recommend passage of the proposed Fees bill, the proposed Grant Revenue bill, and the proposed Title 10 bill on first reading. Committee Chair Hokama, Vice-Chair White, and members Baisa, Carroll, Cochran, Couch, Crivello, and Guzman voted "aye." Committee member Victorino was excused.

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Your Budget and Finance Committee RECOMMENDS the following:

1. That Bill _____ (2016), attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX B, REVENUES - FEES, RATES, ASSESSMENTS AND TAXES, GENERAL FUND, CHARGES FOR CURRENT SERVICES, FEES - DISABLED PERSONS PARKING PLACARDS", be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That Bill _____ (2016), attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE - SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF FINANCE, (STATE DISABILITY AND COMMUNICATIONS ACCESS BOARD (DCAB) PROGRAM)," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
3. That Bill _____ (2016), attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 10.48, MAUI COUNTY CODE, RELATING TO STOPPING, STANDING, AND PARKING," be PASSED ON FIRST READING and be ORDERED TO PRINT.

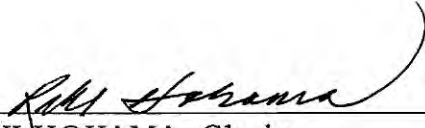
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This report is submitted in accordance with Rule 8 of the Rules of the Council.

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RIKI HOKAMA, Chair

ORDINANCE NO. _____

BILL NO. _____ (2016)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX B, REVENUES – FEES, RATES, ASSESSMENTS AND TAXES,
GENERAL FUND, CHARGES FOR CURRENT SERVICES,
FEES – DISABLED PERSONS PARKING PLACARDS

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

SECTION 1. Ordinance No. 4231, Bill No. 38 (2015), Draft 1, as amended, "Fiscal Year 2016 Budget", Appendix B, "Revenues – Fees, Rates, Assessments and Taxes" is hereby amended as it pertains to General Fund, Charges for Current Services, by adding fees for Disabled Persons Parking Placards, to be placed appropriately, and to read as follows:

"COUNTY OF MAUI REVENUES - FEES, RATES, ASSESSMENTS AND TAXES"					
ACCOUNT	REVENUE SOURCE	FEE, RATE, ASSESSMENT OR TAX	HRS	COUNTY CODE	ORDINANCE
GENERAL FUND					
CHARGES FOR CURRENT SERVICES:					
3400	<u>Fees – Disabled Persons Parking Placards</u>	<u>Long-term Parking Placard</u>			
		<u>Replacement of lost, stolen, mutilated or confiscated placard.....</u>	<u>\$12</u>	<u>291-52.6</u>	<u>10.48.100</u>
		<u>Temporary Parking Placard</u>			
		<u>Initial Placard.....</u>	<u>\$12</u>	<u>291-51.6</u>	<u>10.48.100</u>
		<u>Second Placard.....</u>	<u>\$12</u>	<u>291-51.6</u>	<u>10.48.100</u>
		<u>Replacement of lost, stolen, mutilated or confiscated placard.....</u>	<u>\$12</u>	<u>291-52.6</u>	<u>10.48.100"</u>

SECTION 2. New material is underscored.

SECTION 3. This Ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:



JEFFREY UEOKA
Deputy Corporation Counsel

ORDINANCE NO. _____

BILL NO. _____ (2016)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE -
SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS,
DEPARTMENT OF FINANCE
(STATE DISABILITY AND COMMUNICATIONS
ACCESS BOARD (DCAB) PROGRAM)

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

SECTION 1. Ordinance No. 4231, Bill No. 38 (2015), Draft 1, as amended, "Fiscal Year 2016 Budget", Appendix A, Part I, Grant Revenue - Schedule of Grants by Departments and Programs for Fiscal Year 2016, is hereby amended as it pertains to the Department of Finance, by adding a new grant entitled, "State Disability and Communications Access Board (DCAB) Program", in the amount of \$11,504, to read as follows:

"3. Department of Finance

- | | |
|---|----------------|
| a. Commercial Driver's License (CDL) Program | 508,540 |
| (1) Provided, that disbursement for salaries and premium pay is limited to 6.0 Limited Term Appointment (LTA) equivalent personnel. | |
| b. Periodic Motor Vehicle Inspection Program | 465,379 |
| (1) Provided, that disbursement for salaries and premium pay is limited to 5.0 LTA equivalent personnel. | |
| c. State Identification (SID) Program | 201,024 |
| (1) Provided, that disbursement for salaries and premium pay is limited to 2.0 LTA equivalent personnel. | |
| d. State Motor Vehicle Registration Program | 331,187 |
| (1) Provided, that disbursement for salaries and premium pay is limited to 4.0 LTA equivalent personnel. | |
| e. <u>State Disability and Communications Access Board (DCAB) Program</u> | <u>11,504"</u> |
| <u>(1) Provided, that disbursement for salaries and premium pay is limited to 0.3 LTA equivalent personnel.</u> | |

SECTION 2. Material to be repealed is bracketed. New material is underscored.

SECTION 3. This Ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:



JEFFREY UEOKA
Deputy Corporation Counsel

ORDINANCE NO. _____

BILL NO. _____ (2016)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 10.48,
MAUI COUNTY CODE, RELATING TO STOPPING, STANDING, AND PARKING

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

SECTION 1. Section 10.48.100, Maui County Code, is amended to read
as follows:

"10.48.100 Parking for disabled persons[—Definitions].

[For purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given in this section, unless it is apparent from the context that a different meaning is intended:

"Certificate of disability" means a medical statement issued by a licensed practicing physician, either in private practice or with a governmental agency, which verifies that a person is a disabled person as defined herein.

"Director" means the director of finance of the County.

"Disabled person" means a person with a disability that limits or impairs the ability to walk, and who, as determined by a licensed practicing physician:

1. Cannot walk two hundred feet without stopping to rest, due to a diagnosed arthritic, neurological, or orthopedic condition;
2. Cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device;
3. Is restricted by lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest;
4. Uses portable oxygen; or
5. Has a cardiac condition to the extent that the person's functional limitations are classified in severity as

Class III or Class IV according to the standards set by the American Heart Association.

"International symbol of access" means the symbol adopted by Rehabilitation International in 1969 at its Eleventh World Congress on Rehabilitation of the Disabled.

"Parking space reserved for disabled persons" means a public or private parking space designated for the use of a disabled person that (1) is designed and constructed in compliance with the requirements of the federal Americans with Disabilities Act of 1990, as amended, and related rules and guidelines; (2) is marked with a sign designating the parking space as reserved for disabled persons; or (3) is otherwise clearly designated for the use of disabled persons.

"Removable windshield placard" means a two-sided, hanger-style placard which includes on each side:

1. The international symbol of access which is white on a blue shield;
2. An identification number;
3. The date of expiration; and the seal of the State.

"Sign designating the parking space as reserved for disabled persons" means a sign which contains:

1. The words, "Reserved Parking";
2. The international symbol of access;
3. Words indicating that the space is reserved for parking by disabled persons who have valid placards or special license plates; and
4. The maximum fine for parking illegally in the space.

"Special license plate" means a license plate that displays the international symbol of access:

1. In a color that contrasts with the background; and
2. In the same size as the letters or numbers on the plate.

"Temporary removable windshield placard" means a two-sided, hanger-style placard, which includes on each side:

1. The international symbol of access and is white on a red shield;
2. An identification number;
3. A date of expiration;
4. The seal of the State; and
5. The word "temporary."】

A. Applicability of state statutes. All provisions of part III - parking for disabled persons, chapter 291, Hawaii Revised Statutes, as amended, shall be applicable for the purposes of this chapter.

B. Fees. The director of finance shall charge the following fees as set forth in the annual budget:

1. Fee for providing a removable windshield placard.

2. Fee for providing a replacement removable windshield placard.

3. Fee for providing a temporary removable windshield placard.

4. Fee for providing a replacement temporary removable windshield placard."

SECTION 2. Section 10.48.103, Maui County Code, is repealed.

["10.48.103 Issuance of placards and penalties for violations. A. Issuance of Placards.

1. Permanent. The director shall issue one distinguishing placard and an accompanying identification to each disabled person who so requests and presents a certificate of disability as provided in this part. Permanent placards shall be renewed every four years from date of issuance.

2. Temporary. Temporary placards valid for a period not to exceed six months may be issued by the director. Temporary placards shall be an unlaminated version of the permanent placard which shall be clearly marked "temporary."

3. Special License Plates. Special license plates shall be issued by the director for the vehicle registered in the disabled person's name if the vehicle is primarily used to transport person.

4. Fees. Fees for temporary, permanent, replacement placards and special license plates as shall be established from time to time in the budget ordinance shall be paid at the time of such issuance.

B. Nontransferability Penalty. The placard shall not be used by anyone other than the disabled person to whom it is issued unless it is being used in connection with the transportation of a disabled person. An unauthorized person using the placard shall be guilty of a violation and shall, upon conviction thereof, be subject to a fine of not more than \$500. A placard may be revoked for a flagrant offense or suspended for a period of up to six months by the issuing agency for any unauthorized use irrespective of whether the violator is prosecuted for a violation; provided, however that the disabled person affected may within ten days of such disciplinary

action by the issuing agency file an appeal to the managing director who shall review and determine the matter in writing within ten days of receipt of the appeal.

C. Display of Placard. The placard shall be prominently displayed in the disabled person's vehicle in such a manner that it may be viewed from the front and rear of the vehicle by hanging it from the front windshield rearview mirror of the vehicle utilizing a parking space reserved for disabled persons. When there is no rearview mirror, the placard shall be displayed on the dashboard.

D. Parking Privileges. Any vehicle displaying the placard issued under this part shall be permitted to park in any metered or unmetered parking space designated for the use of disabled persons in accordance with law. In addition, such person shall be entitled to park the vehicle such person is operating or leave the same standing in any public parking space, area, or zone without payment of any parking charge and in excess of any limitation of time established for such parking space, area, or zone when it is otherwise lawful to do so and, further, shall be entitled to park such vehicle in any loading area or zone for a period of time not to exceed one-half hour.

E. Lost or Stolen Placard. A disabled person to whom a placard is issued under this section shall within seven days notify the issuing agency in the event such placard is lost or stolen. Failure to do so shall subject the disabled person to suspension or revocation of parking privileges as provided in subsection C of this section.

F. Reciprocity. A valid and effective disabled parking placard or permit issued by a jurisdiction in which the disabled person resides and in which is depicted the international symbol of access for the handicapped shall be deemed a disabled parking placard issued by the County. A valid and effective disabled identification card issued by a jurisdiction in which the disabled person resides, or a valid and effective official identification card of a jurisdiction in which the disabled person resides which identifies the disabled person as the person to whom the disabled placard or permit was issued, shall be deemed a disabled identification card issued by the County. This subsection shall not apply to the placard, permit or identification card of a person who has been physically present in the County for six months or longer. The term "jurisdiction," as used herein, shall be deemed to include any foreign country or political subdivision thereof, and any state, territory, commonwealth, trust territory, government in free association status with the United States or possession of the United States and any political subdivision of any of them.

G. Former Permittees. Any disabled person holding a valid special parking permit when the ordinance codified in this section becomes effective may, within thirty days of such effective date,

obtain a new placard without necessity of furnishing a new certificate of disability.”]

SECTION 3. Section 10.48.105, Maui County Code, is repealed.

["10.48.105 Unauthorized use of specially designated parking places for disabled persons. A. No person, whether owner, lessee, or operator shall stop, stand, leave standing or park whether attended or unattended any vehicle upon a portion of a street, highway, parking space, access ramp or area which has been specially designated and marked appropriately for use exclusively for disabled persons as defined in section 10.48.100 of this code, as amended, unless such person shall be eligible to do so and shall prominently display in such vehicle a currently valid placard issued by the director of finance and be utilizing such specially designated area, in fact, as a disabled person or as the operator of a vehicle in which such a disabled person is a passenger.

B. Any vehicle not properly displaying a currently valid placard which is parked in such a specially designated area shall be towed away at the owner's expense.

C. The director of public works and environmental management is authorized to place signs establishing official parking places designated for the exclusive use of disabled persons in accordance with this section. Whenever the director places, moves or removes such sign, a report of such action shall be submitted to the County council within thirty days of such placement, movement or removal.

D. Any person using a parking space reserved for disabled persons without properly displaying a removable windshield placard, temporary removable windshield placard, or special license plate, in accordance with this section, shall be guilty of a traffic infraction and shall be fined not less than \$250 nor more than \$500 and pay any costs incurred by the court related to assessing the fine.

E. Any person, whether owner, lessee, or operator of any such vehicle who violates the provisions of this section shall be deemed to have committed a violation, and shall upon conviction thereof, be subject to a fine of not less than \$250 nor more than \$500 and shall pay any costs incurred by the court related to assessing the fine.


F. Notwithstanding subsections (D) and (E), a disabled person who has been issued a valid placard or special license plate that is currently in effect, and who has failed to display the placard or license plate while parking in a space reserved for disabled persons, shall pay a fine of not less than \$25 nor more than \$100 and any costs incurred by the court related to assessing the fine.

G. Any person using a space reserved for disabled persons who refuses or fails to present an identification card issued in accordance with section 10.48.103 upon request shall be guilty of a traffic infraction and shall be fined not less than \$250 nor more than \$500 and shall pay any costs incurred by the court related to assessing the fine.”]

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 shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



JEFFREY UEOKA
Deputy Corporation Counsel
County of Maui
2015-5595