

COUNCIL OF THE COUNTY OF MAUI
PARKS, RECREATION, ENERGY, AND
LEGAL AFFAIRS COMMITTEE

October 19, 2018

Committee
Report No. _____

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

Chair and Members:

Your Parks, Recreation, Energy, and Legal Affairs Committee, having met on June 27, 2017, August 1, 2017, February 13, 2018, February 27, 2018, and October 3, 2018, makes reference to a Miscellaneous Communication dated May 22, 2017, from the County Clerk, reporting that the Council referred the matter relating to the Waiehu Municipal Golf Course operations and improvements.

Your Committee notes the Council referred the matter following the Mayor's proposal in the Fiscal Year 2018 Budget to close the course at the end of calendar year 2017 because of continued operating losses.

By correspondence dated February 21, 2018, the Department of the Corporation Counsel transmitted a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 13.16, MAUI COUNTY CODE, RELATING TO THE WAIEHU MUNICIPAL GOLF COURSE." The purpose of the proposed bill is to update provisions in Chapter 13.16, Maui County Code ("MCC"), relating to definitions and fees for, and management and operations of, the Waiehu Municipal Golf Course.

Your Committee notes the proposed bill is one of three proposed bills generated during its evaluation of issues affecting the County's only municipal golf course, including operational costs and method of allocating costs, demands upon and revenues contributing to the golf course special fund, greens and overall course conditions, and recommended improvements to the course. The other two proposed bills, to modify the golf course special fund and to repeal the fund, respectively, were deferred by your Committee.

COUNCIL OF THE COUNTY OF MAUI
PARKS, RECREATION, ENERGY, AND
LEGAL AFFAIRS COMMITTEE

Page 2

Committee
Report No. _____

During the pendency of this matter before your Committee, the Department of Parks and Recreation resolved the lack of internet connectivity to the golf course and completed renovations to the back nine holes to put in Seashore Paspalum grass. A representative of the Department said the Department is in the process of issuing a request for proposals to make online booking of reservations operational. The Department also intends to close the front nine holes for similar renovations in the spring of 2019.

Your Committee notes the proposed bill removes certain fee provisions from Chapter 13.16, MCC, including "daily rate," "nine-hole rate," "club no-show fee," "tournament fees," and "replacement card fee," opting instead to refer generally to the required payment of appropriate fees, as set forth in the annual budget ordinance. To simplify the process of qualifying a player for resident rates, the proposed bill allows the Department to rely upon a State of Hawaii driver's license rather than a separate application process. The proposed bill also amends the definition of "major tournament" for consistency with the Department's administrative rules and simplifies the hours for "twilight rate" to play beginning after 1:00 p.m.

Your Committee further notes the proposed bill establishes a definition for "special event" to allow the Department to diversify revenue-generating activities at the course. The representative said the Department may consider activities such as a wedding on the greens or reception at the clubhouse. Your Committee expressed support for issuing a request for proposals for special events at the course.

Your Committee revised the proposed bill to allow the Department to use a Hawaii identification to qualify for resident rates, and to limit the student rate to persons attending schools up through high school, but not including college. Your Committee also revised the effective date of the proposed bill to January 1, 2019.

COUNCIL OF THE COUNTY OF MAUI

**PARKS, RECREATION, ENERGY, AND
LEGAL AFFAIRS COMMITTEE**

Page 3

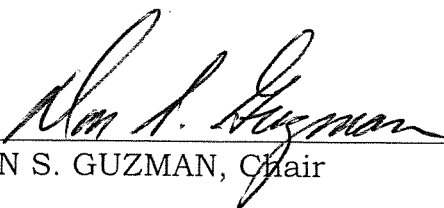
**Committee
Report No. _____**

Your Committee voted 7-0 to recommend passage of the proposed bill as revised on first reading. Committee Chair Guzman, Vice-Chair King, and members Atay, Cochran, Crivello, Hokama, and Sugimura voted "aye." Committee members Carroll and White were excused.

Your Committee is in receipt of a revised proposed bill, approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revisions and nonsubstantive revisions.

Your Parks, Recreation, Energy, and Legal Affairs Committee RECOMMENDS that Bill _____ (2018), attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 13.16, MAUI COUNTY CODE, RELATING TO THE WAIEHU MUNICIPAL GOLF COURSE," be PASSED ON FIRST READING and be ORDERED TO PRINT.

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



DON S. GUZMAN, Chair

prl:cr:18030aa:cmn

ORDINANCE NO. _____

BILL NO. _____ (2018)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 13.16,
MAUI COUNTY CODE, RELATING TO THE
WAIEHU MUNICIPAL GOLF COURSE

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

SECTION 1. Chapter 13.16, Maui County Code, is amended to read as follows:

“Chapter 13.16

WAIEHU MUNICIPAL GOLF COURSE

Sections:

- 13.16.010 Definitions.
- [13.16.015 Club no-show fee.]
- 13.16.030 [Playing fee.] Fees.
- [13.16.032 Tournament fees.]
- 13.16.035 Fee exemptions.
- [13.16.037 Replacement card fee.]
- 13.16.040 Golf course special fund.
- 13.16.050 Operation.
- 13.16.055 Authority of the director—[Exceptional] exceptional conditions.

“13.16.010 Definitions. For the purpose of this chapter, certain words and phrases are defined as follows:

“Club” means an organized group of golf players identifiable by a club name.

“Council” means the council of the County of Maui.

“County” means the County of Maui.

[“Daily rate” means the rate charged for the privilege of playing eighteen holes or a fraction thereof at the golf course if play begins from the time the golf course opens until 1:00 p.m.]

“Department” means the department of parks and recreation.

“Director” means the director of the department of parks and recreation [of the County of Maui.] or the director’s authorized representative.

“Disability” means a physical or mental impairment that substantially limits one or more major life activities.

“Golf course” means the Waiehu Municipal Golf Course at Waiehu, Maui, Hawaii.

“Golf pro” means the person who has been awarded the pro-shop concession at the golf course.

“Group” means one or more golfers assigned an identical starting time.

“Hawaii resident” means a person who possesses a current, valid State of Hawaii identification or driver’s license.

“Holiday” means all days on which a holiday is observed by the County regardless of the date of the actual holiday.

“Major tournament” means any event that [involves players statewide, or is a locally sponsored event consisting of one hundred thirty-eight players or more.] consists of a minimum of one hundred forty-four confirmed players.

“Marshal” means any authorized golf course personnel patrolling the course to ensure smooth play and compliance with golf course rules and regulations.

“Maui County resident” means a person who has [applied to the department of parks and recreation for residency status, who has provided documentary proof that the person filed a Hawaii resident income tax return within the year preceding the application, and who has resided in the County for the entire year immediately preceding the application. Application materials shall be available in the following alternative formats upon request: large format braille, audiotape, and simplified language.] a current, valid, State of Hawaii identification or driver’s license containing a County of Maui address.

A person unable to qualify under the foregoing provision may apply to the director [of parks and recreation] for a determination of residency and, upon the submittal of evidence which the director deems adequate proof that the person has been a resident of the County for the entire year immediately preceding the application, the director may qualify the person as a resident; provided, however, that the director shall retain for at least four years a record of the names of persons qualifying under this provision and the type of evidence submitted for each person qualifying for the purpose of making the record available for reasonable public inspection.

Once a person has qualified as a resident under the foregoing provisions, the person may requalify by applying to the department, and by providing proof that the person had played at the golf course

at least nine months of the year immediately preceding the application.

A person who has qualified or requalified as a resident under any of these provisions shall remain qualified for two years.

["Maui County resident card" means the card that allows County residents to play at the County resident rate as set forth in the annual budget.

"Nine-hole rate" means the rate charged for the privilege of playing nine holes or a fraction thereof at the golf course if play begins after 3:00 p.m.

"Non-Maui County resident" means a person who does not qualify as a Maui County resident as defined in this section, but who possesses a valid Hawaii State driver's license.]

"Nonresident" means a person who does not qualify as a Maui County resident or a [non-Maui County] Hawaii resident as defined in this section.

"Playing fee" means the fee paid for the privilege of playing at the golf course.

"Registration" means and consists of checking in, paying of fees, and being assigned a starting time prior to going onto the course.

"Senior citizen" means any person who has attained the age of sixty years and is a [permanent] Maui County or Hawaii resident [of the State.] as defined in this chapter.

"Special event" means any permitted event or activity on golf course property that meets the requirements of the permitting process outlined in chapter 13.04A of this code.

"Starter" means the person in charge of assigning starting times.

"Student" means a person who is attending school, up through and including high school, on a full-time basis and is no more than [eighteen] nineteen years of age.

"Superintendent" means the superintendent of the golf course, or [his] the superintendent's duly authorized representative.

"Twilight rate" means the rate charged for the privilege of playing eighteen holes or a fraction thereof at the golf course [if play begins] for play that may begin after 1:00 p.m. [but by 3:00 p.m.]

[13.16.015 Club no-show fee. A fee shall be paid by a club for the failure by one or more of its members to appear at an assigned club starting time. The fee shall be set forth in the annual budget.]

"13.16.030 [Playing fee.] Fees. [No person shall be permitted to play at the golf course unless the appropriate playing fees are paid at the rates set forth in the annual budget.] No person,

organization, tournament, club, event, or activity shall be permitted to play or use the golf course or any of its facilities, amenities, or property unless the appropriate fees are paid. Fees are set forth in the annual Budget Ordinance.

[13.16.032 Tournament fees. The tournament fees rate shall be set forth in the annual budget. No major tournament shall be permitted at the golf course unless the appropriate tournament fees are paid. The tournament fees shall be paid in lieu of playing fees.]

13.16.035 Fee exemptions. Professional golfers and other golf officials who are bona fide members of the Professional [Golfer's Golfers'] Association or Golf Course [Superintendent's Superintendents] Association of America shall be exempt from paying any playing or tournament fees.

[13.16.037 Replacement card fee. A fee for a replacement Maui County resident card shall be assessed as set forth in the annual budget.]

13.16.040 Golf course special fund. The proceeds from [playing fees, tournament fees, club no-show fees,] all fees, permits, rental income, and fees from golf course concessions shall be deposited into a golf course special fund. These proceeds shall be used for the operation, maintenance, and timely improvement of the golf course, to the end that the golf course shall be self-supporting. No moneys from the general fund shall be expended for these purposes, except that the council may supplement these proceeds by specific appropriations to the golf course special fund.

13.16.050 Operation. A. The golf course shall be open for play [everyday] every day except Christmas Day and New Year's Day and when unusual climatic or other circumstances require its closing.

[B. The starting hours of play on both the first and tenth tee shall be from 7:00 a.m. to 5:00 p.m. on weekdays, and from 6:00 a.m. to 5:00 p.m. on weekends and holidays.

C. Within six months after the effective date of the ordinance codified in this chapter, the department of parks and recreation shall consult with the golf course superintendent and shall establish internal management regulations to ensure the efficient operation of the golf course. Once established, the department may revise these regulations as it deems necessary.]

[D.]B. The [department of parks and recreation shall adopt] director may promulgate administrative rules pursuant to the

Hawaii Administrative Procedures Act relating to hours of operation, reservations, club play, starting times, groupings, special events, recreation programming, course closures, and regular and tournament play.

[E.]C. The [golf course] superintendent is authorized to enforce all internal management regulations and administrative rules.

[F.]D. No practice golfing shall be allowed on the golf course except on the driving range and the practice putting green.

13.16.055 Authority of the director—[Exceptional exceptional conditions. A. In the event of major repair or renovation work to the golf course or the existence of conditions which substantially limit the normal use of the golf course, the director is authorized to adjust the playing fees charged and the hours of operation, as in the director's best judgment, is warranted under the conditions. Any adjustment to the playing fees charged and the hours of operation shall be limited in duration to sixty days. Such [sixty day] sixty-day period may be extended by adoption of a resolution by the council.

B. The director shall provide written notification to the council within ten days of the effective date of any adjustment to the playing fees and hours of operation.

C. The director shall submit a written status report regarding any adjustment to the playing fees and hours of operation to the council within thirty days after said adjustment [are] is imposed upon the golf course. Such status shall include at least the following information:

1. The factual basis for the adjustment to the playing fees and hours of operation; and
2. The anticipated duration of the adjustment to the playing fees and hours of operation.

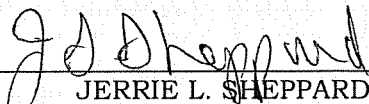
D. Prior to adjusting the playing fees and hours of operation, the director shall notify the public of the adjustments in the following manner:

1. When the adjustments are to be effective for thirty days or more, notice shall be by publication in a newspaper of general circulation in the County; posting on the County website; and in the following alternative formats upon request: large format, braille, audiotope, and simplified language[; or].
2. When the adjustments are to be effective for less than thirty days, notice shall be by posting in a visible area at the golf course; posting on the County website; and in the following alternative formats upon request: large format, braille, audiotope, and simplified language."

SECTION 2. 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 3. This ordinance shall take effect on January 1, 2019.

APPROVED AS TO FORM AND LEGALITY:



JERRIE L. SHEPPARD
Department of the Corporation Counsel
County of Maui
prl:misc:030abill05:cmn