

FAX:

Date: October 10, 2011

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To: Joshua Stone, Chairperson and members
Maui County Charter Commission
c/o Office of Corporation Counsel
(Lisa Kahuhu)

Phone: (808) 270 - 7152

Subject: testimony and proposed amendments

From: Jim Smith

Number of pages: **2**

10/10/11 - Written Testimony of Jim Smith

**James R. Smith
P.O. Box 790403
Paia, Hawaii 96779**

October 10, 2011
Members of the Maui County Charter Commission
200 S. High Street
Wailuku, Hawaii 96793

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**Subject: Reality as it affects your study of
the Maui County Charter**

Members,

In our politic political system the legislative body presents the face of dignity and the executive its reality in the application of power. Both branches need to affirm and make conscious the fact that dignity is the basis for consent and that equal dignity is a tangible reality. With this in mind and in light of recent events, it seems power needs to be connected to the citizens, and in this spirit our Council should approve any administrative reinvention of structure so it may be seen as connected to the people. Please consider the following propose amendments:

I submit this request;

that Article 2 - 2 **Exercise of Powers.** Be amended to read;

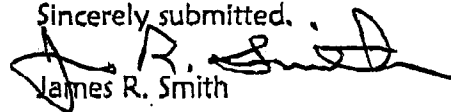
All powers of the county shall be carried into execution as provided by this charter, or, if the charter makes no provisions, as provided by ordinance or resolution of the county council. The application of such power shall be guided by the principle that individuals possess equal worth and dignity.

that Article 7 **Office of the Mayor at Section 7-5. Powers, Duties and Functions.** Be amended at Section 7-5.3 and Section 7-5.10

1. Section 7-5.3 states to " Create positions for which appropriations have been made, or abolish positions, but a report of such actions shall be made to the Council within 15 days of such action." **Be amended** to include: Further, that establishment of an Office or division of a department must be approval by ordinance, by two thirds vote of a majority of the Council;

2. that Section 7-5. 10 "Assign powers, duties, and functions that are not already assigned or enumerated in **Article 8,** to and between the departments." **Be deleted.**

Sincerely submitted,


James R. Smith