

CHARTER COMMISSION

Tuesday, DECEMBER 13, 2011

6:30 p.m.

KIHEI COMMUNITY CENTER  
303 E. LIPOA STREET  
KIHEI, MAUI, HAWAII

NOTICE OF PUBLIC MEETING

OFFICE OF THE  
COUNTY CLERK

2011 DEC - 6 AM 9:33

RECEIVED

COMMISSION MEMBERS

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Clifford P. Hashimoto

Susan A. Moikeha

Linda Kay Okamoto

Yuki Lei Sugimura

Flo V. Wiger

AGENDA ITEMS ARE SUBJECT TO CANCELLATION. For a confirmation of the meeting date and time, and for scheduling of agenda items, please contact Supervising Law Technician, (Lisa A. Kahuhu), at: Department of the Corporation Counsel, 200 S. High Street, 3<sup>rd</sup> Floor, Wailuku, Hawaii 96793, 808-270-7742, 1-800-272-0117 (toll-free from Molokai and Lanai), 808-270-7152 (fax).

ORAL OR WRITTEN TESTIMONY Oral testimony shall be received in the order which testimony forms are submitted. Each testifier shall be allowed to speak for a total of five (5) minutes on all agenda items. Written testimony should be submitted to the Charter Commission, c/o the Department of the Corporation Counsel, 200 S. High Street, 3<sup>rd</sup> Floor, Wailuku, Hawaii, or via email to [charter.commission@co.maui.hi.us](mailto:charter.commission@co.maui.hi.us) and should be submitted at least 24 hours in advance of the meeting so that copies can be provided to the commissioners in a timely manner. If written testimony is to be submitted at the meeting, 16 copies are required.

INDIVIDUALS WHO INTEND TO ATTEND THE MEETING AND WHO HAVE DISABILITIES REQUIRING SPECIAL ASSISTANCE should call the Department of the Corporation Counsel at least three days in advance.

NOTICE OF PUBLIC MEETING

NOTICE IS HEREBY GIVEN that a public meeting will be held by the Maui County Charter Commission on Tuesday, December 13, 2011, at the Kihei Community Center, 303 E. Lipoa Street, Kihei, Maui, Hawaii beginning at 6:30 p.m., or soon thereafter, for the purpose of receiving public testimony on the Charter Commission's preliminary proposed amendments to the Charter of the County of Maui (1983), as revised by amendments through 2010.

AGENDA

I. CALL TO ORDER

A. Introductions

- B. Public Testimony
- C. Accept public communications into record

II. PROPOSED CHARTER AMENDMENTS

1. Shall Section 3-2 of the Charter be amended to:
  - (a) increase the term of office for Councilmembers from 2 years to 4 years; and
  - (b) limit the service of Councilmembers from 5 consecutive 2-year terms to 3 full 4-year terms, whether consecutive or not?
2. Shall Sections 8-9.3 and 8-9.4 of the Charter be amended to authorize the Director of Personnel Services and the Civil Service Commission to adopt rules having the force and effect of law to carry out the provisions of the civil service laws of the State?
3. Shall Section 8-3.3 of the Charter be amended to authorize the Prosecuting Attorney to:
  - (a) appoint investigators who shall have all the powers and privileges of a police officer of the county; and
  - (b) prosecute offense against the laws of the State under the authority of the attorney general of the State?
4. Shall Section 3-2 and 7-2 of the Charter be amended to delete the reference to nonpartisan elections, and provide that Councilmembers and the Mayor shall be elected by partisan elections in accordance with the election laws of the State?
5. Shall Section 8-7 of the Charter be amended to change the name of the Department of Fire and Public Safety to the Maui County Fire Department, and the name of the Fire and Public Safety Commission to the Maui County Fire Commission?
6. Shall Section 8-7.4 of the Charter be amended to include ocean rescue and safety to the Powers, Duties and Functions of the Fire Chief of the Department of Fire and Public Safety?
7. Shall Article 9 of the Charter be amended to provide that the Budget and Capital Program be prepared and approved on a biennial basis and in non-election years?
8. Shall the Charter be amended to establish an independent Office of the County Auditor, and that the County Auditor be appointed and subject to removal by the Cost of Government Commission?

9. Shall Section 13-2 of the Charter be amended to delete any reference to members of boards and commissions belonging to any political party?
10. Shall Article 13 of the Charter be amended to add a provision which would require the Council to provide for Interactive Communications Access for all Council meetings for residents of Hana, Lanai, Molokai and other geographic areas as the Council deems appropriate and reasonable?
11. Shall section 13-2.17 of the Charter be amended to increase the time from 30 days to 45 days from the date the Mayor is notified of a vacancy on any board or commission, for the Mayor to submit to the Council the Mayor's nominee to fill the vacancy?
12. Shall Section 14-1 of the Charter be amended to remove the authority of the Council to propose charter amendments during any general or special election cycle in which the Charter Commission is conducting its mandatory review?
13. Shall Article 14 of the Charter be amended to add a new provision requiring that the Charter of the County of Maui be republished in its entirety following any adopted revisions or amendments?
14. Shall Section 14-3 of the Charter be amended to provide that, beginning on December 1, 2017, members of the Maui County Charter Commission be appointed for 5 year terms?
15. Shall Article 13 of the Charter be amended to require that the County defend and indemnify board and commission members in civil actions when board and commission members have performed their official duties in a good faith and lawful manner?
16. Shall Section 3-3 of the Charter be amended to increase the time period for residency requirements in the County of Maui, and from the area which the person seeks to be elected, from 90 days to 1 year before a candidate for Council files nomination papers?
17. Shall section 7-3 of the Charter be amended to increase the time period for residency requirement in the County of Maui from 90 days to 1 year before a candidate for Mayor files nomination papers?
18. Shall Chapter 7, Article 8 of the Charter be amended as follows:
  - (a) to add a new section entitled "Declaration of Policy" for the Department of Fire and Public Safety, which section would include statements concerning qualified and professional leadership, standards of recruitment, fair and appropriate personnel actions, and appropriate training opportunities?

- (b) to add a new section to the Powers, Duties and Functions of the Fire and Public Safety Commission to authorize the commission to review personnel actions within the department for conformance with the policies set forth in "a" above?
19. Shall Section 8-15.3 of the Charter be amended to add the following to the Powers, Duties and Functions of the Director of the Department of Environmental Management:
- (a) Guide efforts to maximize opportunities for natural resource protection, conservation, and restoration; and
  - (b) Coordinate and develop policies and initiatives that integrate sustainable resource development, support local food and energy production, and establish partnerships with agencies and organizations to implement programs, policies, and projects that promote sustainability?
20. Shall Chapters 7 (Department of Fire and Public Safety), 9 (Department of Personnel Services), 12 (Department of Police), and 13 (Department of Liquor Control) of Article 8 of the Charter be amended to provide consistency in the process in which the various commissions of the listed departments that appoint its directors or chiefs handle the removal of its directors or chiefs, specifically, in the following areas:
- (a) charges for removal being given in writing;
  - (b) opportunity for hearing before the commission;
  - (c) periodic review and evaluation of director's/chief's performance; and
  - (d) report to the Mayor and Council covering the review and evaluation?
21. Shall Article 8 of the Charter be amended a add a new section entitled "Declaration of Policy" which would be applicable to all County departments, and include statements concerning qualified and professional leadership, standards of recruitment, fair and appropriate personnel actions, and appropriate training opportunities?

### III. REVIEW OF PUBLIC TESTIMONY

- A. Commission discussion on public testimony relating to proposed Charter amendments.

### IV. ADJOURNMENT

Copies of the draft amendment language are available at the Charter Commission's website at <http://www.mauicounty.gov/index.aspx?nid=162>, or by contacting the Department of the Corporation Counsel, 200 S. High Street, 3<sup>rd</sup> Floor, Wailuku, Hawaii 96793, at (808) 270-7742, and/or via

email to [charter.commission@co.maui.hi.us](mailto:charter.commission@co.maui.hi.us). Copies will also be available at the meeting.

Copies of the Charter of the County of Maui (2003 edition, with 2006 and 2010 amendments) ("Charter") are on file in the Office of the County Clerk, 7<sup>th</sup> Floor, Kalana O Maui Building, 200 S. High Street, Wailuku, Maui, for review and purchase for a nominal fee during regular business hours. The Charter may also be obtained at the Charter Commission Website at <http://www.maui-county.gov/index.aspx?nid=162>.