

MAUI COUNTY CHARTER COMMISSION PUBLIC MEETING  
Pa`ia Community Center, Maui  
Wednesday, February 27, 2002  
6:00 p.m.

PRESENT

Teryl Vencl, Chair  
R. Sean McLaughlin, Vice-Chair  
Vince Bagoyo  
Ray DeMello  
Bill Fuhrmann  
Gwen Hiraga  
Stephen Holaday  
Karolyn Mossman  
Stephen Petro  
Donn Takahashi

STAFF

Brian Moto, Corporation Counsel  
Ke`ala Pasco, Charter Commission Assistant  
Jon Van Dyke, Charter Commission Analyst

EXCUSED

Erlinda Rosario

CALL TO ORDER

The meeting was called to order at 6:00 p.m. Chair Vencl said the Commission will begin deliberations by April 1.

Chair Vencl asked for comments and a motion to accept the minutes from February 20, 2002. Motion was made (Mossman), seconded (Hiraga), and carried unanimously.

It was noted that Commissioner Rosario was excused. Also for the record, besides the commissioners, legal Corporation Counsel Moto and Charter Commission Analyst Van Dyke are present.

Communications have been received from: Wanda Ng; Floyd Miyazono (Parks and Recreation); Jan Elliott; Council member Mike Molina; Jack Thompson; Commissioner Fuhrmann; and Brian Moto. She asked for a motion to accept these communications. Motion was made (Petro), seconded (Holaday), and unanimously approved.

Chair Vencl explained the procedure for giving testimony. The rules are similar to what the County Council does. Testifiers will have three minutes and one minute to conclude, or they can return for an additional three minutes when everyone is finished. She called up the first testifier to begin public testimony.

TESTIMONY

MR. DAVID CRADDICK

Mr. Craddick greeted the commissioners. He said his comment about operational audit costs ranging from \$100,000 to \$200,000 was missing from the February 6 minutes (Kihei).

Mr. Craddick also wanted to clarify his answer to Vice-Chair McLaughlin. First, Water Board decisions are not unreviewable; they're still reviewed by the public. Second, when he was asked if he was suggesting a referendum every two years, he believes his answer was no (but if that was the condition, it's a fine compromise). He thanked Vice-Chair McLaughlin for looking for solutions, and added that any suggestions on how to alleviate concerns would be welcome.

He cited Bob Takitani's suggested that his sample Charter changes similar to Cincinnati's Water Commission model where Board members select their successor (to be confirmed by the Mayor). The Council serves only to pass ordinances to remove Board members (it's a good way to handle that).

Mr. Craddick gave one more reason Water shouldn't be under the Mayor. The Board, whether under the Mayor or not, is required to keep its funds separate from the County's. In the past, hydrant charges were waived contrary to rules of the department. This amounted to about \$2.5 million over nine years. This money should have gone toward fire line operation maintenance and replacement. Out in the public, he's heard that the reason for less autonomy is the fact that the Council only gets to vote up or down on the Board rule. That proposal was put on the ballot by the Council, and it was voted in by 77% of the population.

Chair Vencil verified that there weren't any questions, then announced for the record that Commissioner Rosario has joined us. She then called up the next person to testify.

**MR. ROY SILVA**

Mr. Silva supports 17A. He's been with the Water Department for 22 years, and in his point of view, they definitely get more work done and get better employees if they're not under the Mayor. He concluded by thanking the Commission.

**MR. JACK THOMPSON**

Mr. Thompson is the president of the Sprecklesville Community Association but he's speaking as an individual. He believes CAC recommendations should be equivalent to (or have at least as much power as) the Planning Commission. CAC members and functions need to be upgraded because they put a lot of time and effort into developing their community plans only to have their influence end when they send their work to the Planning Commission in good faith (they're not included in any changes).

Mr. Thompson proposes a process whereby CACs would continue as community representatives for the entire ten year period covered by their plans. Any special interest group proposing changes would need to go to this standing committee first, because they're the local people most affected by their recommendations.

Mr. Thompson hopes this process would be considered because it will upgrade the whole system. Communities should have the primary voice in their futures.

**MR. CARL FREEDMAN**

Mr. Freedman is a consultant in the field of utility (mostly electric) planning, and is currently a consultant to the Water Department. He said he came mostly to listen but wanted to say a few words regarding Proposal 17.

- 1) Proposal 17B, which would put Water under the Mayor, professes that it would ensure greater political accountability. However, the gist of my comment is that from my experience, this is a little twisted around. How do you get greater accountability by putting Water under the Mayor? One of the issues is to separate the powers, but "Water flows uphill to money." There are many important issues on this island regarding who gets water; these issues should be insulated from the short term political process (to separate the influence money has on it).

- 2) Another aspect is that accountability is lost when a department is put under a County agency. Decisions are much less visible.
- 3) Water policy, as with utility planning, is something that really needs to be long term. If you want accountability, you want somebody up there who's not so worried about who's going to pay for his or her election (doesn't need to change when the administration changes).

Vice-Chair McLaughlin thanked Mr. Freedman for being here. He told him he's talking about a utility that is part public and part privately owned. There's no other commission with the oversight of water rates (he's curious about utility regulation).

Mr. Freedman replied that it was his understanding that we have a publicly owned water system; it's owned by the Water Department, so it's not a mixture of a public and a private water supply. The west side has private purveyors regulated by the Public Utilities Commission; the Department of Water Supply is a public body not regulated by the PUC (not operating to make a profit and they have no fiduciary responsibility to shareholders).

#### MS. JUNE DAVIS

"Aloha ahiahi kakou." Ms. Davis greeted the Commission, and congratulated them on doing a wonderful job.

- 1) Proposal 2. Having Council members serve four then two years doesn't make sense. There's always someone left over (continuity). It should be four years, as it is with the Mayor. They spend the first year learning and the second year campaigning, so that's a good one.
- 2) Proposal 6. Clarifying the responsibilities of Corporation Counsel is important. While they're necessary, not too many people know what they do exactly.
- 3) Proposal 7. Ms. Davis doesn't know if broadening the powers of the Department of Public Works is a good thing (she has to think about it). It needs to be on the ballot.
- 4) Proposal 10. Ms. Davis doesn't support this. She said there are too many people chattering about what everyone should do. She votes for people who will represent her, people she knows will vote how she thinks. The Planning Commission answers to the Council and gives information to them. CAC people are the people that weren't voted in, so they have to come and talk.
- 5) Water should be on its own. *Wai* in Hawaiian is water, *waiwai* is riches. Whoever has the water has the power.

Commissioner asked if Ms. Davis supports term limits. She answered affirmatively, saying people are smart enough to not vote for someone they don't like anymore.

#### NIKHILANANDA

Nikhilananda said he'd return for a final three minutes to complete addressing most of the proposals. He complimented the web site, saying that it's been very beneficial in keeping him caught up with what's going on. He added that he'd like to see written communications that have been submitted to the Commission scanned into the web site as well.

- 1) He wants separate, distinct Council districts. Ask the people if they'd like to see this, then the Commission could address that. The number nine isn't concrete; we could extend it to eleven. Let the people choose; it makes them more accountable.
- 2) Please put Huelo in the Ha'iku area.

- 3) Regarding the Pros and Cons, people who are against a particular proposal should write the Cons for that issue to create more balanced proposals.
- 4) Nikhilananda totally disagrees with four year terms.
- 5) Keep term limits.
- 6) Keep the second election; it's important, so don't eliminate that.

MR. ROBERT KARPOVICH

Mr. Karpovich, a resident in Ku`au, said the following:

- 1) A vast majority strongly feels they want to vote by district and run every two years. Upcountry residents tend to be outvoted by Wailuku and Kahului. Most people are very frustrated.
- 2) Water issues are important. The Supreme Court spoke loud and clear. Just because you drill the wells doesn't mean you own that public resource. Water is a public trust and we need to address that fact.
- 3) Water should be a County Department (under the Mayor). The County should be putting up money; the Council should say who gets it.
- 4) Exporting all the water for one property should be addressed in the Charter. It's an important Charter issue.

Commissioner Mossman pointed out that in Proposal 17 (17A and 17B), the need to move toward a more publicly developed water system is expressed. We gave them one year to address that.

Mr. Karpovich asked if it would be okay for the Charter to just say it's not okay; that would clarify and eliminate this big Water issue.

Commissioner DeMello stated that it's the transmission lines that are in question. He believes that's where the Water Department needs to get involved.

Mr. Karpovich reiterated that if the Charter says Water is a public trust and you can't export it, then that ends water speculation. Mr. Dowling's city in Kula with water from Ha`iku defies the public trust, and it's not the way we should continue in the future. Exporting it for development has to be under the authority of the Council and the Water Board.

At this point, Chair Vencl closed testimony. She called Nikhilananda back up to complete his testimony.

NIKHILANANDA

Nikhilananda said he totally agrees with Mr. Karpovich. Put Water on the ballot. He also discussed the following:

- 1) He agrees with Proposal 5.
- 2) Proposal 6 may conflict with the Mayor, but he's glad the Commission is addressing that. It's okay.
- 3) Regarding Proposal 7, keep those departments separate.
- 4) He supports Proposal 9 (clarifying the responsibilities of the Department of Planning).
- 5) Having the County commit to a plan of open space acquisition as set forth in Proposal 13 is good.
- 6) Congratulations on Proposal 14. However, 90 days is too short; change it to 120 days.

- 7) Address coastal management and beach access in the Charter (make it illegal from point one).
- 8) District voting should be put on the ballot.
- 9) Proper attendance on boards and commissions should be enforced. If someone misses two or three meetings, they should be dropped.
- 10) Get rid of having to pay for public documents. Some people can't afford it.
- 11) Take off length of terms. We should have freedom.

Nikhilananda wrapped up his testimony by saying that his first two issues are most important to him: district voting; and District 12, Precinct 13 (put Huelo in the Ha`iku area). He said he'd see the Commission in Pukalani and Wailuku.

Vice-Chair McLaughlin said regarding multi member districts, one concept was discussed, but the three Senate districts side of the issue wasn't. What do you do when people can't drive to testify? Is there a compromise worth considering?

Nikhilananda replied that what we have now is not beneficial for the community in the long run. Perhaps a commission could be set up to look at this, but he feels the Charter Commission is the one to do so. Kua`i has seven Council members; we could expand to 11, but that doesn't help Hana or Lana`i ... just because someone lives in that area, doesn't mean they were voted in by people in those areas. Huelo gets swallowed by East Maui. He proposes that East Maui be equal to Lana`i and Moloka`i. The main point is accountability. At the Ha`iku community meeting, the only representatives that come are the ones who live in that area (Jo Anne Johnson is a tremendous Council member; she goes to all of them).

We don't have accountability now. Vice-Chair McLaughlin offers an alternative, or take three senatorial districts, divide them into three Council districts, and then make sure the populations are made equal.

Nikhilananda said his Viewpoint in The Maui News on January 13 addressed election laws. The way it's done now with at large voting, South Maui and Kahului/Wailuku basically outweigh the rest. People feel unrepresented with the system we have now. Research other communities around the United States and address it in the Charter.

Nikhilananda thanked Chair Vencl for the time allowed him. These issues are important.

#### CONCLUSION

Chair Vencl thanked everyone for coming and reminded people they have until the end of March to contact the Charter Commission with any testimony (use the email link on the Charter Commission website, mail to the Mayor's office, or come to the meetings). The meeting was adjourned at 6:56 p.m.

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Ke`ala Pasco, Charter Commission Assistant

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**PROPOSAL 17 - Alternative Options Regarding the Restructuring of the Department and Board of Water Supply**

**8-11.1-8. The Department of Water Supply and Board of Water Supply. I am in favor of returning the Department of Water Supply to the Executive Branch, like other departments. Under the Executive Branch there would be more accountability, enlightenment, dissemination of information to the public. The department would be monitored closely; budget, water issues, setting of water rates would be developed in a more responsible manner. I do not believe they should be autonomous!**

**I would like to compliment and applaud all of you in the commitment, very long hours, the indepth thoughts and ideas put forth into reviewing the Charter.  
"Author, Author! Well Done!"**

**Mahalo and Aloha,**



**Leinaala M. Kihm**

*P.S. If possible, i would like my testimony  
read into the record of your PH in  
Wailuku on March 13, 2002. Thank!*