

Maui County Charter Commission Public Meeting
Personnel Conference Room
Monday, January 7, 2002
8:30 a.m.

Present

Terryl Vencl, Chair
R. Sean McLaughlin, Vice-Chair
Vince Bagoyo
Bill Fuhrmann
Gwen Hiraga
Karolyn Mossman
Stephen Petro
Erlinda Rosario
Donn Takahashi

Staff

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

Excused

Stephen Holaday

CALL TO ORDER

Chair Vencl called the meeting to order at 8:30 a.m., welcoming everyone and wishing them a Happy New Year. Commissioners present: Bagoyo; Fuhrmann; Hiraga; Mossman; Petro; Rosario; Takahashi. Commissioner Holaday is excused; Vice-Chair McLaughlin and Commissioner Hiraga are expected soon. Also present: Counsel Brian Moto; Analyst Jon Van Dyke; and Assistant Ke'ala Pasco. Chair Vencl called up Jim Smith to testify.

TESTIMONY

Mr. Jim Smith

Mr. Smith said he's a bit obsessed with this process. He has been following the Commission's progress very closely.

- 1) Mr. Smith submitted suggestions for Article 10.
- 2) He asked to have the 10/22 minutes corrected on page nine [note: the paragraph in question is on page 10]. The agreement was actually between AMFAC and the County; the replacement was the Maui Resource Center.
- 3) Mr. Smith says individual power is entangled with public power. Our constitution talks about bonds being issued for public improvement, but the County issued a \$4 million bond on land leased by the county. This needs to be addressed in the Charter. The people's money shouldn't be used for private improvements; preserve the integrity of bond money being spent only for public improvements. With regard to article 9-12.1, specify that bond money can only be used for public improvements.
- 4) Mr. Smith stated that his letter dated November 4 wasn't included in the binder. He submitted another copy of it.
- 5) Public Works is in flux; it's moving away from public power to individual power. Changes to the zoning ordinance in early 1990 established zero line residential districts for affordable housing (a zero lot line overlay district). There are two chapters: the first one is the request of the applicant; the second one is the developer's (overlay district development). This conflicts with public guidelines. Look it over and find the essential power. Is Land Use separate from this? Maybe it's time to take it out of the mix.
- 6) On water: once again, who gets the power? It's politicized. There may be an efficient way, but he doesn't think it's going to protect public trust. Article 8-11.8 of the proposed rule says to enact legislation that may be appropriate in light of the audit. This is kind of an open window; it's not

autonomy. There won't be a public hearing by the Board of Water Supply; it's over, the Mayor signs it, and it's done.

- 8) Regarding Ethics, individual ethics (in which no one else is affected) are different from public ethics. The appearance of impropriety caused the public to lose faith in government.
- 9) Mr. Smith submitted proposed amendments regarding nepotism to Linda Lingle. He wants them reviewed (high priority). The Board of Ethics couldn't find anything wrong. The perception of public impropriety was ignored on the basis of an individual; Lingle reconsidered and said that while it was legal, it was the wrong thing to do. The appearance of impropriety should be a guiding factor.

Council Member Charmaine Tavares

Council Member Tavares thanked the Commission, saying she appreciates the challenges it is facing in reviewing the charter. She made the following comments about the Board of Water Supply (more detailed, written testimony is available in Charter Commission binders):

- 1) Water shortages and confusing policies on meter issuances have caused much heartache for upcountry residents.
- 2) Many constituents are concerned about over pumping of the lao Aquifer because the 1999 rule to manage and protect it has yet to be enforced. The State Commission on Water Resource Management noted this in their meeting here on November 14, and pointed out that the chloride or salt levels in the water being pumped from lao have reached levels that require the Water Board to restrict water usage and meter issuance. The Board has not taken any action yet.
- 3) The Mayor and Council have no authority over actions of the Department of Water Supply or its Director. The only role the Council has is in approving water rules and rates (without having any authority over how that money is to be spent) if the Board of Water Supply proposes them. They cannot propose rules or amend those that are transmitted to them. It is a frustrating and dysfunctional situation.
- 4) Removing the County Council entirely from having any role in governing the Department of Water Supply would be a great disservice to our community.
- 5) The Council is expected to make land use decisions based upon outdated or ad hoc information (the most current plan is from 1900) because the Director hasn't prepared a Water Use and Development Plan. County law requires the Director to update the plan whenever any community plan is amended.
- 6) The Council has the responsibility of approving water rate increases when the Board proposes them. It concerns her that the Director continues to blame the Council for the County's water problems. If the Board has wanted any further rate increases, they have not proposed them.
- 7) Those who have authority over water should be accountable to the public. The Department of Water Supply should have the same level of support that other departments receive from the Council and the Mayor.

Council Member Tavares submitted a written proposal for changes to the Charter to restructure the Water Department to make it function more like other departments overseen by the Mayor and the Council. The proposals are the result of discussions with people in our community during the past five years.

Chair Vencl thank Council Member Tavares. She then moved on with the agenda.

Motion was made (Commissioner Rosario), seconded (Commissioner Hiraga), and unanimously carried to accept the December 17 minutes. Chair Vencl then asked for communications from the following to be accepted into record: Maui Coastal Land Trust; Wes Lowe; and John Van Dyke. Motion was made (Commissioner Bagoyo), seconded (Commissioner Rosario), and unanimously carried.

Chair Vencl announced that the Commission would be meeting for the whole day today and on January

14. January 18 has been reserved in case we need more time.

After Mr. Goode, she'd like to begin with Mr. Van Dyke's document, so she suggested that the commissioners look at it and form some questions and opinions on them. These are decisions that are not going on the ballot; these suggestions are going back out to the communities. We will have two (probably all day) meetings to clarify things after the public meetings. We will then turn everything over to Mr. Van Dyke to draft the public report. The Council would then have one month to review. Once they submit any objections, proposals, etc., the Commission would have 30 days. It goes back to the Council for ten days (HRS 50-9), then they report back to the Commission. The Council then has the choice of forcing the matter onto the agenda or not. It is possible to have two recommended charters (one from the Commission, and one from Council). It then goes back to clerk's office after 10 days (we're done with it).

Discussion followed about whether or not the Commission would follow HRS 50. Commissioner Bagoyo reminded everyone that it'd been decided earlier that the Commission would continue on that path. Several commissioners agreed that the discussion was more about timelines than process. Motion was made (Commissioner Bagoyo) and seconded (Commissioner Petro) to follow suit as they have been.

Vice-Chair McLaughlin said he's against the motion, stating that it's a home rule issue. We've done our due diligence. There's a different process and purview every ten years. Take the argument given that council has authority to look at it every two years; the Commission every ten years. He's sensitive to the fact that we shall be compensated \$1000 each.

Questions followed about where we'd get the majority if Council can submit their suggestion. Commissioner Bagoyo supported the motion, saying that it's important to get the Council's input. Chair Venci asked about the \$1,000 Vice-Chair McLaughlin mentioned; Mr. Moto said that the primary focus has been on the subsequent provisions, and that Commission members don't have to accept \$1,000.

Commissioner Mossman said that the very fact that we are taking a vote on which process to follow means we don't buy HRS 50. If we believe HRS 50 to be valid, she doesn't believe we can vote or not. Consensus was that we would use the timeline guides in HRS 50 and turn in a draft to Council in late April. We would forego \$1000 payment per commissioner as stated in HRS 50. Chair Venci asked for a raise of hands. Six approved; two opposed. She announced a ten minute break.

Break

The meeting was called back to order at 9:30 a.m. For the record, Vice-Chair McLaughlin and Commissioner Hiraga have joined us.

She thanked Mr. Goode for coming. The Commission has talked to many department heads, and while they've already talked to Mr. Goode once, they wanted further conversation with him. She asked him if he had any statements or questions.

Mr. Goode replied that he looked at the Charter web page, and noticed that not too many of his original comments were on the discussion list, so he might address that at the end. He made the following statements in answer to questions from commissioners:

- 1) Regarding wastewater coming under the Water Department, some departments combine depending on how big they are, but it's important to think about the aspect of autonomy and funds within a fund paying for the entire support of the department. Wastewater was self-supporting, and he's spent a lot of time talking to the Council about this, but not sure about this coming fiscal year. One thing to look at is that a lot of wastewater departments are semi-autonomous; it's mandated by the federal government that fees pay for operating costs.
- 2) This division is one of the most responsibly run. County of Maui wastewater employees are very

- active in their trade and field, have done a really good job reducing spills, and some have even made a career out of wastewater.
- 4) It wouldn't hurt to include refuse collection, landfills, and a recycling diversion section in the Charter.
 - 5) Commissioner Bagoyo proposed restructuring Public Works ("Department of Public Works and Transportation"); moving the subdivision within the Department of Planning; and focusing on transportation, highways, buildings, drainage systems, and environmental issues. Mr. Goode replied that they've done some research in-house regarding the restructuring of Public Works, and found that it's based on efficiencies, the number of employees, etc. It can be done; it makes sense for a certain size of jurisdiction. Additionally, everyone in his department works on environmental issues, but it often comes back to mandates and direction from the Council changing ordinances.
 - 6) We recycle 25%; the national average is 30%. There's nothing in there about fines. Recycling got a slice of the pay, but not much more; the cost per ton goes up. As for more intensive recycling, the Mayor wants 50% by 2010; we're outlining a plan to get there (requires support and finances).
 - 7) With regard to boards and committees, they've reduced membership from nine to five in Street Lighting. They had problems getting quota for Street Naming too (naming parks and facilities); they're considering reducing to meet quorum. May change Street Lighting to Traffic Safety.
 - 8) Will look at language for litter control, enforcement, fines, etc.

Vice-Chair McLaughlin said to consider creating district boards so each district has an additional layer, and asked if we could consolidate down to a local department. SESC is county-wide.

Mr. Goode requested that the commission give consideration to the issue of departments being given the ability to use excess funds for further projects after paying their obligations. They can't touch it without appealing. Mr. Moto said that those sections in particular can be found in 9-10. Lastly, Mr. Goode asked the Commission to look at the issue. Regarding publicly owned buildings as meeting places. He suggests that other facilities be considered for use as long as the public meetings are appropriately noticed. County space for meetings is limited and lots of new meeting spaces in the community have come on line.

Break

The meeting was called back to order at 10:30 a.m. Chair Vencl said that Mr. Van Dyke's verbiage would be on display boards and possibly brochures at the meeting on Wednesday, January 23. Additionally, the press is clamoring for more information about what the Charter Commission is doing, so she'll start talking to the press to get the information out there. The point was made that the information should be available when the agendas are posted. Chair Vencl replied that we will have one agenda with all the meeting dates listed, and that it would be fine to have all the information out at that time.

It was agreed that the pros and cons of each issue needed to be listed to show the public why certain decisions were reached, and that issues would be reviewed to make sure we're all on the same page. Chair Vencl suggested beginning with Mr. Van Dyke's summarizations, and finishing up on January 14. Everything needs to be ready by the 14th for posting in time by the 23rd.

Chair Vencl said we'd start with the list and regroup if we need to. There weren't any strong objections for going out to the public with four year terms with no term limits. Commissioner Bagoyo wanted to be on the record as saying that as a commissioner he hasn't taken a stand yet.

Regarding Article 3, (full time for council members) the consensus was to leave the issue alone; Vice-Chair McLaughlin wanted the record to reflect that he disagrees with this action.

Mr. Moto wanted to quickly answer Commissioner Mossman's outstanding request. There are no state laws that say they're full or part time. HRS 78-6 states that no full time officer of the state or counties may engage in gainful employment ... however, it's never been applied to council members. Having said that, the prohibition of private employment will be repealed July 1, 2002.

Chair Vencl announced the next issue, the manner in which council members are elected, saying Mr. Van Dyke had information for the commissioners. Mr. Van Dyke referred to a map that shows the seven residency districts on Maui. At a minimum, we'd want to revise language because it refers to what no longer exists. The number of registered voters in Districts 4, 5, 6, and 7 are roughly imbalanced. The issue is whether anyone wants to make any adjustments in light of these figures.

Ma'alaea is part of South Maui. One moderate adjustment could be to move Ma'alaea from south to West Maui. That suggested would move 630 votes to West Maui and allow a Ma'alaea resident to run in West Maui seat. South Maui is the largest, so that might even things out a little bit.

Mr. Van Dyke added that we have a new apportionment once again with changes, so once he hears what the commissioners want to do, he'd go to the new precinct and see what to do. There'd be some changes in light of reapportionment (representative/senatorial districts are changing).

The following observations and concerns were expressed:

- 1) It's a very difficult challenge to address the "one person/one vote" issue; at-large with residency districts is a reasonable balance. Look at those overlapping with the community plan districts, with the same kind of criteria. Look at residency areas as having their own needs and interests.
- 2) There are serious concerns about tying it to current planning districts because Kahului and Wailuku are combined (19,000) with one representative to pull from. At-large is fine due to our unique geography, but should try and balance those other numbers as close as possible for the "one person/one vote" principle. Keep Lana'i and Moloka'i with East Maui and balance the rest of the numbers. Chair Vencl said moving Ma'alaea's 600 from South Maui to West Maui is an attempt to do just that.
- 3) Living in the central area, it's easier to have your voice heard. West Maui doesn't feel represented.

The suggestion of moving Ma'alaea to W.Maui was passed to take to the community. There were two dissenters. Mr. Van Dyke will come back with a map next time.

Chair Vencl introduced the next item: should a candidate receiving more than 50% of the vote be deemed elected? Not right now; not taking a position; taking it out to the public.

Chair Vencl said we ended up leaving Charter 3-3 (length of residency requirement for candidates). Move them to "NO" list.

Mr. Van Dyke said David Raatz emailed an opinion to him by the State Office of Information Practices. It basically says that 3-8 is superceded and rendered null and void by HRS 92F, which allows everyone to have access to public information. Nishiki said let 3-8 put council members lower (has to go through mayor right now). He proposed language strongly supporting what he considers the underlying rationale that only the mayor should give orders, but objects to the inability to obtain information. Mr. Moto said he'd get a copy to Chair Vencl. (see discussion later)

Mr. Van Dyke said that on behalf of the Council, Mr. Raatz also put together list of "off" aspects of the Charter. They're not specific proposals, just problem areas. It's not formally part of our record yet. One anomaly is 3-6. Boards can subpoena, but it's unclear whether the Council has that power. We can do an

investigation; does it have to be in a formal way? Mr. Raatz thought it was unclear.

It was decided that the OIP would be looked at before taking any action about it being appropriate for the Council to be able to go directly to directors and copy the Mayor.

Regarding 4-1, the effect of a resolution (defined as "the urging of someone to do something without making it a law"), the Commissioners didn't want to do anything with it.

Chair Vencl recessed for lunch. Come back at 12:45 p.m.

Break

The meeting was called back to order at 12:53 p.m. The commissioners received copies of the OIP opinion, Raatz's notes, and a letter from Nishiki. Motion was made (Commissioner Takahashi) and approved (Vice-Chair McLaughlin) to accept these communications into record. The motion was unanimously approved.

After much discussion, the consensus was to leave the following issues alone:

- 1) Article 8 (regarding minimum qualifications)
- 2) Departments and their deputy directors.
- 3) Public Justice Commission (as introduced by Mr. Smith)

Regarding giving assignments to Corporation Counsel, the issue is the intermediary process. Lawyers are supposed to be independent and objective, so not being sure who the client is could be difficult. If the Mayor and Council are at odds, then there's a problem. Eliminating the specific reference to the Mayor should equalize the situation; we should also clarify that Corporation Counsel would be representing County business. The consensus was to change the wording as Mr. Moto suggested.

The next issue was the Public Safety Commission. The added duties of hiring and firing the chief would be included; lifeguards wouldn't be. The wording would have to be the same as that for the police chief; they should handle citizen complaints; and put forth the budget.

Chair Vencl said that Mr. John Min said that with regard to CACs, he's willing to allow the ordinance that Council Member Tavares and his department are working on to take care of that piece. There's a little more information on the general plan being worked on. All commissioners concurred that Council Member Tavares' group could handle this issue. If Council Member Tavares handles this, we don't have to put it in the Charter, but it was recommended that we do so it doesn't become arbitrary; at least put it out for public reaction. An acceptable way to say this could be: "community plans generated through the CAC process are part of the general plan." We could make that "C" under 8-8.5.

The Planning Committee should have a timeline. Once the Council receives the plan, they should act within one year. A desire to have more detail about infrastructure, cost, etc. was expressed.

There was discussion about the establishment of the long range planning process to make it more connected, the goal being to tie everything together. A director for long range planning who'd just look at the future, open space, general and community plans, and infrastructure was mentioned.

Much discussion followed concerning community plans and credibility; making CACs permanent and a Charter-driven process; giving CACs the authority for local decision making and adding 8-8.5 long range planning and general plan ... keep in mind that Council Member Tavares' committee will cover a lot of this. The issue is whether we give permanent status and local level decision-making power to CACs. Another thing that still needs to be addressed is what happens if someone breaks an ordinance ... enforcement, penalties?

Commissioner Mossman made a motion to officially move this document (Mr. Min's suggestions) with the modifications that we passed. Mr. Moto said he'd like to edit 8-8.5, and requested the flexibility to let us allow this initial draft. Seconded (Commissioner Bagoyo); he said we need program implementation consistent with the Community and General plans.

Chair VencI asked if section 8-8.3, #7 on page one of Mr. Min's draft isn't enough. Commissioner Bagoyo explained that while this is the planning, he wants the Council to feel compelled to be consistent. Chair VencI said there's consensus on this, and called a five minute break.

Break

The meeting was called back to order at 2:45 p.m. Chair VencI mentioned dealing with SMAs or CZMs; there were no changes. The next issue is Water. Mr. Van Dyke has a second draft proposal.

Mr. Van Dyke began with the previous proposal he gave us on autonomy. 11.3, in which he eliminated the term to three years, and gave water board members compensation to get discussion going. The idea is that if they're going to be a corporate board with real power, then we expect them to take their job seriously, and are subject to being sued, etc. If we don't pay them, we get retired people. So need to pay to get people with real interest and responsibility. It'd be a daily salary of 1/250 of the department director. The next provision, 11.4, put in annually after evaluation since we heard there weren't any.

Commissioner Bagoyo asked if it would be appropriate to add audit (same group does it) to section 11.A. Commissioner Mossman specifically said she wanted something in here about the private water source. Chair VencI wanted to make sure this is still what we want to take to the public. The private water issue is not an issue for our water department; it's a state matter. Mr. Van Dyke said that the bracketed sentence in 11.2 is an attempt to find the middle road. Commissioner Mossman said she's concerned with it being more autonomous.

Regarding the issue of compensation, Chair VencI reminded commissioners that we're talking about board members, not the Water Department. She then asked if there was a consensus about taking out this second draft. Chair VencI reiterated that this is absolutely opposite to almost all of the testimony we received. Wants to make clear what our position is. Vice-Chair McLaughlin doesn't support this proposal. Commissioners Bagoyo and Petro had to leave at 3:00 p.m.

Commissioner Hiraga asked about the second deputy (NO) in Mr. Goode's proposal for Public Works. Mr. Moto said we need to finish the OIP. The commissioners were in agreement not to move wastewater over to the Water Department. Commissioner Mossman said that if we're going to make them autonomous, the council says agriculture is a priority, so the fee schedule for water ... Chair VencI doesn't think fees are something that should be dealt with by the Charter.

The current rules regarding water rates were removed under the proposed draft. Commissioner Hiraga said if this is the direction we're going in, she thinks board members can be compensated. Mr. Van Dyke said that we could put in our history that we're not making a recommendation, but it's something they may want to look at. Mr. Moto pointed out that 13-2.13 states that members s of the board shall receive no compensation. So if it was proposed to allow compensation, we'd need to amend this section.

Commissioner Takahashi asked if we could just add "long term plan" before zoning classifications, and asked why the Department of Water was run so different from everybody else if we're striving for consistency and want accountability (Water Board vs. Water Commission or Police Commission). Chair VencI said she had some of the same questions herself, and that some clarity might come when we go back out to the communities.

Commissioner Hiraga stressed that this is not a decision; she hasn't made up her mind on this issue of

water yet. Commissioner Mossman agreed, saying given that the commissioner who suggested the proposal is no longer here, we should probably table this discussion until he's here.

Chair Vencl said she's tried to open this up a few times, and Commissioner Mossman reminded us it was approved two weeks ago.

Commissioner Rosario asked what if we go to the community, and the community buys that proposal, and we as commissioners don't like it? Her suggestion would be to go out with options.

Chair Vencl said she's uncomfortable doing this since Commissioners Bagoyo and Petro left, so we are tabling this until they come back. Water's on top on the list for the 14th.

Mr. Moto going back to the discussion of Mr. Nishiki's proposal and OIP of said proposal said - ... federal law opens the file up to public; governs public access to governmental records. However, if you ask for a document that doesn't exist or isn't in the right format, then pursuant to this act, the second comment is related to HRS 50. In the case of the Hawai'i Revised Statutes, there's a home rule question that's not ... should have addressed, negated, superceded, by ... he can only speculate that the attorney assumed that, but cannot be sure because there's no discussion on that matter. Mr. Van Dyke said that the danger is there's now briefing ... these opinions aren't binding law.

Commissioner Mossman said to go back to the basic philosophy that it should be available to the Council, but the Mayor should know what they're requesting. Not common, but have faith in Council members, who should be able to get the information they need for their work.

Vice-Chair McLaughlin said Council Member Nishiki's proposal makes sense to him. He supports the proposal, and proposed that we adopt his wording.

Mr. Moto pointed out that if you look at some other charters like Kaua'i County, it simply says that Council members should not "order or interfere with ..." Cut the whole first part: "neither the council nor its members ..." the rest remains the same, the crux being "give orders or interfere with the employees." Chair Vencl said we have a consensus.

Next is the budget, article 9, regarding putting a cap on indebtedness. Consensus is NO. The second one is to have the dates of the budget closer to date. Chair Vencl said she didn't see a clear advantage. I'm conservative and if we have \$2 million coming from the Council that we didn't expect, then that's gravy. Can't see in my own mind why it'd be a big help. Vice-Chair McLaughlin said he heard the budget chair on Lana'i say that just tweaking it a matter of weeks could have a significant impact.

Commissioner Mossman thinks we should just leave it alone; we need to have a yearly process. Chair Vencl said it's just about pushing for the end of the year. Vice-Chair McLaughlin said that there are a lot of non-profits; the grant process is so time-consuming. Commissioner Hiraga said that appropriations for more than one year have to go to an ordinance.

Chair Vencl moved on to Open Space and asked for clarification on the Mayor's 1% proposal. Take particular note that the 1% is of budgeted RPT revenues; he'd like to see it set aside into a fund. Chair Vencl stated that the funding mechanism is probably a function of the charter; but criteria etc. belongs in an ordinance. Other commissions or advisory groups have been set up through ordinance this could be the same. There are people working on open space right now with regard to what is "open space" and how to define it.

The discussion that followed led to a recommendation by Commissioner Takahashi that Mr. Van Dyke draft something that's less definitive, more comfortable (take out some of the stuff based on the financial condition of the county), but when Chair Vencl asked if we had something far more general, would we be

inclined to do that, the answer was still NO.

Commissioner Mossman asked about getting rid of everything else ... "to purchase land" and stop at "historical site." Commissioner Mossman said she's trying to set up a compromise. They (the coastal zone advocates) need a mechanism so they can get matching funding or at least show county support from other sources. Chair Vencl suggested putting a period after "points." Take it out to the community; they'll tell us why it'll work or not.

Mr. Moto said one consideration is that funds would not last, but would accumulate. Chair Vencl said use up to "historical site." Consensus achieved. Accumulation is important piece.

Next, was issue of Ethics Commission. Commissioner Bagoyo submitted a proposal, but it was decided to move on until he comes back.

Moving on the issue of Initiative, Chair Vencl mentioned the lower percentage of voters needed; it's actual voters rather than registered voters. We finally have a time frame. Vice-Chair McLaughlin referred to testimony, taking power away from citizens, and the need to move this forward. He supports putting significant changes in this area.

Vice-Chair McLaughlin proposed that we amend the number of actual (not registered)voters in prior election; reduce it from 20% to 10%. Increase the time allowed to ninety days. Take that out to public for another round. Based on the number of signatures, number of voters who voted in the prior election, the number should be 10%.

Commissioner Mossman was concerned with the initiative process as a whole and how easy it is for certain money interests to push certain initiatives through. Lists all reasons initiative power should not extend to ... what do we see this being utilized for, what kinds of things?

Chair Vencl replied that it would've been a great question for the testifiers; she doesn't recall anyone asking that question. Would the reason for initiative be a capital program? It's a slippery slope. I think we need to consider it carefully. The data I've been reading on initiatives has not been very encouraging.

Commissioner Fuhrmann said that if county fails to adopt, the initiative power is there, but there are a lot of constraints. Mr. Van Dyke said that this one gives the legislative body the first crack. It doesn't say how to put that before the Council. In an initiative, it's an all or nothing proposal. Council says we can tinker with it until we can make it better, so that's a thoughtful process. Initiative is a safety valve that when citizen pressure builds up, it's an outlet so we don't have a war. He thinks initiatives ultimately allow the people to speak. There's a proposal on the floor by Vice-Chair McLaughlin, that we use prior election actual voter numbers, 10%, and ninety days. Commissioner Mossman thinks the recall number needs to be higher.

Regarding runoff elections, the consensus was NO.

Regarding gender equality on boards and commissions, it's hard enough to get people to come out. Don't want to go there. That opens up a whole bunch of other issues, like the amount of members belonging to a political party, a geographical area, ethnic group, etc.

Mr. Van Dyke said he put this issue below in housecleaning matters. In closing minutes, think about the "sex neutral" stuff. Several previous commissions tried to eliminate gender specific words. Is that something we want to do? Ballot question would ask if gender-neutral words should be used in the Charter. This document stands for all people; it's easy enough to change. The consensus was that Mr. Van Dyke would take up this housekeeping measure.

Mr. Moto reported on the Salary Commission: a recent law enacted Act 253 adopted in 2000, the Civil Service Reform Act, which made extensive changes to law referring to civil service employees and those exempt. Act 253 made extensive changes to appointed officers. In reading the act's provisions closely, effective July 2002, a determination will have to be made by the Mayor. That was a surprise to them. Maui County and Hawai'i County are in the same position (not Honolulu). The 1st deputy corporation counsel on the Big Island, both facing the same problem. It's subject to the Council's power first, but the salaries of County officers and employees ... there are no limitations. He believes that the law doesn't affect ... can still set the way they do now ... provided a great deal of flexibility for something new ... Salary Commission for elected officers ... and thanked Mr. Moto, and mentioned a letter from the Salary Commission (received by the Commission on July 17). More on this at next meeting.

Conclusion

Chair Vencl said we'd look at Water, Boards and Commissions, Salary, and Liquor at the next meeting (particularly in Ramseyer). Chair Vencl thanked everyone. The meeting was adjourned at 4:37 p.m.

Ke'ala Pasco, Charter Commission Assistant