

CHARTER COMMISSION
MEETING MINUTES
JANUARY 30, 1992
MAYOR EDDIE TAM MEMORIAL CENTER, MAKAWAO

Present

James Cockett
Sherrilee Dodson (Vice Chair)
Robert Nakasone (Chair)
Victor Reyes
Allan Sparks
Deborah Wright
Lloyd Yonenaka
Susan Nakano-Ruidas (Staff)

Excused

Dolores Fabrao
Annette Mondoy
Anne Takabuki
Jamie Woodburn

I. CALL TO ORDER

Chair Nakasone noted a quorum present and called the meeting to order at 7:06 p.m.

II. OVERVIEW/DISCUSSION OF CURRENT CHARTER FOR COUNTY OF MAUI AND PRESENTATION OF IDEAS FOR AMENDMENTS

A. Chair Nakasone explained the purpose of the meeting was to receive public input regarding the Charter. The Commission is based on the Charter requirement of a ten year review and members of the Commission are appointed by the mayor and confirmed by the Council. Nakasone also noted that the Commission has already received testimony from the public on Lanai, Molokai, Hana and Kihei.

B. Commission member Sparks noted that "we seem to have a sophisticated crowd, so I will skip the history and background of the Charter." Noting that there is some "confusion in how we elect our council," he pointed out that in fact, we have "nine Council members who represent the entire county."

Sparks: "How would we put together nine true districts? Keeping nine Council members," you would need a population of 11,153 in each district. "It should be easier to run in smaller areas, and you may get different kinds of people running for Council."

"When you have true district representation, as opposed to at-large representation, there tends to be a closer relationship between representatives and constituents. And, more direct services are provided to constituents."

One of the arguments against districting is "there tends to be more inefficiency and hassling over different districts - but not much."

II. PRESENTATION OF IDEAS FOR AMENDMENTS

B. Commission Member Sparks (Continued)

"You do need to look at our unique geography. The people of Lanai would rather have a guaranteed resident, even though they don't control who it is. Molokai would rather have it the way it is."

"Suppose we keep the At-Large system, but tinker a little bit with the residency requirements? You could have the residency requirements revised so each distinct community has a representative. Every person (running for office) would need to be a resident of a specific area, and would be elected by the entire county. There would be nobody that has no residency requirement."

"Also, nine is not the magic number. There could be eleven members, or 7 districts and 2 at-large, or 6 districts and 3 at-large...any number of combinations."

Chair Nakasone noted that Committee Chair Anne Takabuki was not present, but that her committee was reviewing the County budget and Ethics. Her committee was considering a biennium budget in terms of the lapsing time of capital improvement projects.

C. Commission member Cockett noted that his committee was interviewing all department heads. "We have received resolutions from the Council requesting Council approval on some mayoral appointments; a change from the current status for the departments of Finance, Public Works and Planning."

III. PUBLIC TESTIMONY

A. Fred Rohlfing, testifying as the new executive director of the Maui Open Space Trust and as an individual, noted that he has "lived in Kula for eight years, and was born on Oahu. Every once in awhile, a gem comes out, even in a crowd this small. When I first joined Corp Counsel, Rodger Betts handed me the Charter, and said 'This is the Bible for Maui County.'"

"Wearing the hat of representation of the new Maui Open Space Trust, which is Maui Land Conservancy, Inc., a nonprofit Hawaii corporation, which is devoted to conservation and preservation efforts in the community on a voluntary basis; working with others to set aside properties by way of conservation easement, or gifts of land to the trust for permanent preservation."

"We're sort of a little nature conservancy of our own - we don't compete with them - they're in the big area of

III. PUBLIC TESTIMONY

A. Fred Rohlfing (Continued)

wilderness protection, endangered species, etc.; although we see our role as being complementary to that in some of the same areas, but more related to urban development."

"My proposal on behalf of the Maui Open Space Trust was quickly developed this afternoon, and I'm not married to the language in this provision. But, I'm asking you to...(See Communication 92-06 attached. Rohlfing presented the proposed amendment verbatim)."

"Testifying as an individual, I personally think you should seriously review the Coastal Zone Management, under the Department of Planning, Chapter 8, Section 8.8.4 Planning Commissions, Subsection 4."

"My experience working with the Council is, there should be some dollar figure assigned to the day-to-day small projects that can be done by the planning commissions. But any large act affecting the Coastal Zone should be done by elected, not appointed, individuals. This is of sufficient concern and sufficient impact, that the people who are directly responsible to the public should make the decisions. I know Council has wrestled with this subject, and they have been frustrated. They haven't felt that it would be really appropriate for Council to raise this issue. I would rather have veto power over my constituents, than no power over these commissioners through the mayor."

"My last comment, as an ex-politician, is in reference to districting. I personally would favor a districting operation for the County as a whole; meaning equal districts, if it properly can be done. It seems to me that there has to be some consideration for the problems of Lanai and Molokai...for their representation. The fall back is that you have two seats with residential requirements, but all the other seats at-large. The existing situation seems to be dominated by Wailuku/Kahului. I would rather see" (all other seats at-large) -"at least you have a shot if you are going to run at-large.. My preference would be more responsible one-on-one. If you can't do that, broaden the at-large...open it to more people."

Commission member Sparks: "Two seats with residency for Lanai and Molokai? No other areas with residency?"

Rohlfing: "If you are going to have to run County-wide anyway, open the floodgates. By dividing it up (by

III. PUBLIC TESTIMONY

A. Fred Rohlfing (Continued)

residency requirements), you tend to restrict entry of people who might otherwise run. You would encourage greater participation in politics. There has been a lack of participation in politics lately, and that is unfortunate."

Commission member Sparks: I thought "head to head would increase interest in elections."

Rohlfing: "True, particularly on Maui you would have interest. However, we've seen statewide single member districts result in few members running and few contests. The minority got greater representation than in the case of single member districts. The tendency has been that once they get elected, you can't get them out."

Chair Nakasone: "As a point of clarification on your proposed new section amendment (Open Space and Diversified Farmland Preservation), you identify just upcountry. Wouldn't it be better to make it more general so it would apply to Lanai and Molokai?"

Rohlfing: "Yes. It should be broader. I wanted to distinguish from trying to define pineapple and sugar; I was talking about diversified farms."

Chair Nakasone: "Wouldn't your new section amendment be more appropriately added under Section 8-8.5 General Plan?"

Rohlfing: "That might be more appropriate."

B. Tom Cannon, AIA (Individual) read his written testimony to commissioners verbatim (See Communication 92-07 attached).

Commission member Wright: "That would be the best of two worlds. Our legal counsel has advised us we can't do district representation and guarantee Lanai and Molokai one seat. Then the minority would have unfair advantage over the majority. We're not allowed to have odd districts under the law. It's the U.S. Constitution that precludes it."

Cannon: "A hybrid district system should be allowed. Otherwise, you have a situation where you have taxation without representation."

Commission member Wright: "We have that anyway!"

Cannon: "In other words, we have either the Senate or the House of Representatives here on Maui."

III. PUBLIC TESTIMONY

C. Sally Raisbeck (Individual):

"I want to testify as a private citizen about the question of districts and council representation. All of us get used to thinking certain ways...that Lanai and Molokai must have council representation. Hana has no representation."

"I don't quite follow Al's logic. If there were a district of" a part of Maui and Lanai or Molokai. "As a person who ran for Council twice, it is very hard to cover door-to-door; it takes more money and effort to run for Council. It's easier to run for State Representative."

"I don't see the fairness involved in giving two out of nine seats to Lanai and Molokai, and depriving other areas of the County, with more population, of a fair amount of representation."

"I think in equal districts, if a politician knows he has 11,000 constituents and he lives in the area, that person is going to work alot harder to satisfy his constituents. That's the biggest reason to change to districts."

"I don't buy the argument that you are infringing on the rights of the minority, when you are allowing the minority to infringe on the rights of the majority."

Commission member Sparks: "The courts have allowed it. Maui is one equal district (under the present system)."

Raisbeck: "I think you would find that a nonsubstantive way of looking at it. Goro's lawyer, when he was filing the suit..the main argument used by his lawyer was that Lanai representatives were deprived of any representation if their representative was not allowed to vote on the Council."

"So, if you go with a Countywide At-Large election, you better work it out with the Board of Ethics, as to whether the theory that each Council person represents the whole; how that squares with the lawyer's argument that the member from Lanai represents Lanai, and if he can't vote on Lanai matters, then Lanai is deprived of representation."

Commission member Sparks: "I think the courts denied it."

Raisbeck: "The courts didn't rule on it."

III. PUBLIC TESTIMONY
C. Sally Raisbeck (Continued)

Commission member Sparks: "I think there is a problem with the potential pool of candidates (being) so small. It hasn't been challenged yet, but this is a way of insuring a resident to each unique area."

Raisbeck: "Hana is in every respect as unique as the others. If you look at the numbers, you can see it's vastly out of balance right now."

Commission member Wright: "My big concern about districting is about cost and the time getting districting done."

Raisbeck: "The Lieutenant Governor's office has a computer system that makes redistricting as 'easy as pie.' You just keep adding in areas until you get to a given population level. It's not the burden it used to be."

Chair Nakasone: "Take the County of Hawaii for example... when you get into redistricting, when politics come into it, it's not that easy."

Raisbeck: "As long as you get the numbers right, there's almost no basis for challenges."

Chair Nakasone: "The Commission will take that under consideration. Our meetings are more for informational purposes - to get public input on the Charter. I don't believe the Commission's going to change for change sake." We will be holding more hearings until March. Then we will come out again in June, when we have the first draft of Charter amendments.

IV. ADJOURNMENT
There being no further business, the meeting was adjourned at 8:05 p.m.

ACCEPTED:

Robert Nakasone, Chairman Date