

CHARTER COMMISSION
PUBLIC MEETING
JUNE 18, 1992
UPCOUNTRY COMMUNITY CENTER, PUKALANI

PRESENT

James Cockett
Sherrilee Dodson (Vice Chair)
Victor Reyes
Allan Sparks
Anne Takabuki
Jamie Woodburn
Lloyd Yonenaka
Susan Nakano-Ruidas (Staff)

EXCUSED

Dolores Fabrao
Robert Nakasone (Chairman)
Annette Mondoy
Deborah Wright

NOTE: Public Attendance - 8

I. CALL TO ORDER

Vice Chair Dodson called the Upcountry Public Meeting to order at 7:06 p.m.

II. PRESENTATION OF PROPOSED AMENDMENTS TO THE MAUI COUNTY CHARTER

Proposed amendments, proposed amendments not acted on by Commission, and residency area detail map for election of council were made available to the public prior to the meeting.

III. PUBLIC TESTIMONY

Vice Chair Dodson turned the meeting over to Commissioner Lloyd Yonenaka, who is a member of the upcountry area.

Commissioner Yonenaka reminded anyone who wanted to speak to complete the form provided.

A. Lucy Borge, individual and resident of Makawao.

Borge: I'd like to say that I'm on the end of the Waikamoi/Olinda line, and the water line is very old and we get rusty water coming through, and the water people put an opening there so we could let the water out when it's too dirty. I really think because this line comes down through private property, and ends in the back of my house where we have our water meter; it should be brought down the main highway, but I guess I would have to foot the bill; several hundred thousand dollars for coming down Olinda Road where the tank is.

We have an eighteen-inch water line going to Kula along along my property, and the county has my easement free of charge. And, if I have to put up all the water improvements in the upper Olinda area to come to my place, I couldn't afford it.

Right now, I subdivided our property for our four children, and so, we have three water meters. We need another water meter for my son, and another one for my daughter... which they cannot divide their property and build, which they want to live there, but because of the water restrictions we haven't been able to. So, I don't know what can be done, but we upcountry people are really shortchanged. They should have the Wailuku water for the Wailuku people, and upcountry water for upcountry people; and not take it from upcountry down, and from Wailuku up.

We used to live in the plantation at Paia...I've lived in Olinda almost all of my life; when we live in the plantation, we had hundreds of homes, the hospital, the high school...and all of the water went as far as Spreckelsville -- now where did that water go? We drank it, we used the water...and now they are bringing water all the way from Wailuku to upper Paia...they have the new homes that they built. And, I can't see taking water from upcountry...and we really need more water storage, and water improvements in the Waikamoi area. And, I don't know what has been done in this last couple of years, but I sure don't

Borge: (Continued) see no improvements; and we need the improvements very badly in the Olinda area. It's good to have water going to Kula, and what not, but I mean, we need it for Olinda also. That will be all; thank you.

Yonenaka: Just a second.

Vice Chair Dodson: I sympathize with your problem, and one of the questions that has come up this year is whether the water board, in its current situation, should stay semi-autonomous, whether they should become more autonomous and have a right to set their own rates and rules, or whether they should come back under the county. In your current situation, what do you think would be best for the people up in your area?

Borge: When we were underneath the county, I think we had more services really; we had people that would come and do things -- like we were promised that we would have the water lines coming down as far as where we live, which isn't too far; and they came as far as the Blends, and that was it. So, they haven't done nothing all of these years.

Vice Chair Dodson: So you would like to see it come back under the county?

Borge: It would be a good idea.

B. Norma Kawamura, individual and resident of Makawao.

Kawamura: I also live next to my mom [Lucy Borge]. On a positive note, I think that what she said is true; I think it should come back to the county. I think it's very disgusting, and I say this truthfully, that my grandfather -- who immigrated here many, many years ago like everybody else here on Maui -- three generations down the road, they promised my dad and my mom twenty years ago, the water board did -- that they would bring that line down. I'm now here eleven years, and I have yet to see anything done. My uncle has a line in our property that I could chop the thing off, I'll be honest with you, and he wouldn't have any water. I think part of our thing...and a lot of people get disgusted...they don't like... We have reservoirs, and we should have a lot more reservoirs. I don't see any reason why, with all the rain we have, that we don't have sufficient reservoirs.

I think my parents have twenty-five acres, and there are many people on the water board that I know, and my sister went to see them. We couldn't even subdivide twenty-five acres amongst four children -- we're not going to sell the thing. I sold a lot in Lahaina and moved up here, and they had a thing that stated that you couldn't sell it for ten years; maybe they should think about more of that type of housing for their people. Because, when you say affordable housing, \$200,000 for a person just starting out on the island... I have a nineteen year old, and he is thinking about moving to Honolulu. There are many young people out there that are discouraged when they look at \$200,000 -- that is not economical. If they would make projects on this island where the people could get together to build different types of homes -- if I can build my three bedroom home for \$50,000 -- there are surely a lot of other people who would love to do something like that.

Now, my sister in Honolulu would like to build on her five acres, but you have this water problem. Here we have the line running through our property, and when I went to build my house we had to foot the bill for everything. And now they are raising the water meters -- I may be wrong, but aren't they going to raise the price from \$1000 to \$30000? What local individual can afford that? They need to seriously take a look at the job market for the young people, and look at the subdivisions -- where do you go for something like that? We're at a dead end, yet they talk about the water and I still see building many, many projects up here...

Why can't they have a study, if other areas have studies where it's proven right,

Kawamura: (Continued) do something like that. I'm glad I got a chance to talk tonight, and I hope something surely happens.

Sparks: I live upcountry too, and so I live with the water problem... I did want to let you know, though, from our point of view at the Charter level, we're considering trying to improve the water situation by either changing the structure of the water department, or leaving it alone -- which is the best way, right? And the arguments are -- is it better to have it semi-autonomous like it is now, or more completely autonomous...where they don't even have to get the mayor's approval for rates and rules, or should they be a regular executive department run by the mayor like other departments? That's the nature of the arguments that we're dealing with here, and I guess, from your point of view, which one of those structures might in the long run help the water department do what they should be doing for the water infrastructure upcountry? Let me also point out that from '77 until about '89, the water department was a regular executive department under the mayor. And before that, if you go back more than fifteen years, it was semi-autonomous. Since 1989 it's been made semi-autonomous again, so they've only had about two and a half...three years under this particular structure to see how well they are doing. So, it's kind of a dilemma for us to determine which way might be best. There was a special commission that really specially focused on this issue -- studied carefully and got...wrote up a report and came up with the determination to make it semi-autonomous; the voters approved that back in 1988. That's the picture that we're looking at.

Yonenaka: I have some questions, just real quick. You know that property that you guys have got -- that twenty-five acres; has it been subdivided into four...

Kawamura: It's only been subdivided into three pieces, and now, you can't do anything because of the Kula Rule...that's the most you can ever do. And, do you know how long that Kula ruling has been on? And, it continues on and on and on. It's not only the Olinda area and my subdivision, it's all over Maui -- the water problem, I hate to say it. But the thing is, they should take a serious study and try to lift the water moratorium to help the people; and figure out what they can do to get the water. I know our island has surely grown over the years, but the thing is, if we get more reservoirs and input -- there's water on the island because you can see it going down to the ocean, there's no doubt.

I don't know which way would be better, because I haven't seen anything of that vast improvements over the years. I'll be honest with you, like the Waikamoi...the one up above us, that thing is leaking...and I know that they were supposed to make another one. Now, I don't know and I haven't seen that much, but I don't think it's even completed yet. I know things take time, but are they studying other projects on different parts of the island?

Sparks: One other point I forgot to make was that Kula Rule did come from the county when the water board was part of the county; unlike it is now. And, we have talked with the water board on several occasions, and they've given us some impressive figures about the millions and millions of dollars that it will take to catch up with the infrastructure, and they are borrowing lots of money to do that. It looks like what you said is true -- in the last fifteen or twenty years they haven't been doing enough of that sort of thing so that the infrastructure has been keeping up. I don't know; I'm kind of hopeful that they're going to get that act together, but it's going to take them awhile.

C. Dan Evert, individual and resident of Pukalani.

Evert: Good evening and welcome to Pukalani. I'll try to keep this short, because I know Jimmy wants to go home and watch the highlights from the U.S. Open. For those of you who

Evert: (Continued) do not know me, my name is Dan Evert; I just finished up my second term as the president of the Pukalani Elementary School PTA, and I'm currently president of the Pukalani Community Association. I'm also vice president of E Malama E Kekua Aina, which is a group of upcountry that's devoted towards protecting the aina and the lifestyle of upcountry here.

I'd like to talk to you (about) a couple of issues...the first of which is the single member district issue, and whether we should have that or not. I personally think we should have that, and my biggest reason for feeling that way is I think we have to reinstall a sense of responsibility and a sense of ownership in our government, and a sense of accountability. I think with the At-Large system we have right now, and the political machine that elects people to the council -- that doesn't exist anymore. The classic example is Lanai and Molokai, where the people that represent those two areas are not elected by the people who live on those islands; they are elected by the machine that puts them into power because everybody votes for everybody. I think we have to reinstall a sense of accountability and get it back to people representing a certain area, and being accountable to the people in that area, and fighting to make things happen for those areas. I recognize that Lanai and Molokai represent a problem in terms of the population areas, but hey, I'd rather see the council expanded to eleven members -- if that's a problem -- than not have accountability, and do things the way we're doing right now.

I'm definitely for term limitations; I think you're definitely headed in the right direction. I think there's a certain point in time when somebody is in a job, such as the council, where they begin to coast...they take shortcuts...and they are no longer pursuing things with the vigor that they do the first two or three terms that they are in there. I think if they are dedicated to public service, that there is other positions in the government or in the community, that they can take the energy that they have and the commitment they have to public service, and use that. I don't think that being elected to office should be a lifetime commitment, okay? There are people on our council right now that are definitely on the downside of their learning curve, and are no longer contributing to this area. If you look at the Maui County Council right now, ninety percent of the things that come in front of the council are brought to them; they are the keepers of the key to the zoning stamp, and that's the majority of the work that they do. They don't create things -- we need energetic people in there, that are going to go in and create legislation to solve problems -- that doesn't exist with people that are on there for ten terms, or for the type of council that we have right now. So, I urge you to pursue that.

The final thing that I wanted to talk about is this water issue. I live upcountry, we've just come through this water problem up here; I think the people upcountry have done a great job in terms of their commitment to responding to the request to meet these demands. But, I think that this autonomous water board has handicapped the administration in their ability to really manage the water problem. You cannot have an autonomous water board, and have an administration that is issuing permits -- operating in two separate areas. When you have a limited water resource, you have to be able to put all of your resources on the table, and have somebody -- whether it be the mayor, the council or whatever -- say this is how we're going to use these resources. Now, I agree with the lady that just testified -- we've got a lot of water here that's not being utilized -- but somebody's got to be able to take a look at the big picture, and say hey, water is an integral part of development here in Maui. Somebody has got to have the final say that this is where we're going to use this resource. I think it ought to go back under the administration, and be a part of the administration, so they can deal with it just like they deal with roads and permits, and all the rest of the things that come up in the county. Thanks.

Vice Chair Dodson: On the term limitations, do you have... We proposed a five term limitation...

Evert: I think for the council that's excellent.

Vice Chair Dodson: Not less, not more...just five is good?

Evert: I think five is an excellent number. I think if somebody serves five terms on the council, if they can't decide that there's somewhere else that they can contribute to government or have made contacts within the governmental system...then they're asleep at the wheel. Thanks folks; thanks for coming up tonight.

D. Allen Barr, individual and resident of Pukalani.

Barr: I wasn't going to speak, but since there are more of you than there are of us, I changed my mind. I want to...on behalf of all of us, if I can...thank you for coming upcountry; and to make just a couple of observations.

I was extremely impressed when I read in the paper who the mayor appointed to the Charter Commission. Your quality will put you, I am sure, among the highest quality commission that's ever been appointed by any local government for any purpose. It therefore is difficult for me to find fault in what you've done; however... [LAUGHTER]

I wish...I plead...I beg you please, reconsider putting on the ballot single member districts. There are many of us who believe that single member districts are as much a part of democracy, and as critical an element of democracy as any other feature of government. I believe, and I think if you examine the evidence you would see, that any type of multi-member district is designed to control the government. And clearly, I am not one of the ones in control, so I'd like to see it changed. And, I'd like to have you at least offer us that opportunity -- because to the best of my knowledge -- the people of this county have never been given an opportunity to vote whether or not we would like to have single member districts. Thank you.

Reyes: It's really not a question; it seems to me that if there's much support from the community for true single member districts that there would be a lot more testimony than what we have tonight, and that what we have observed in the past at previous public testimonies in Kihei and Lahaina. I'm just concerned that if indeed there is that wide support from the community, is there any other way it can be expressed by the community? You are a leader...there are several leaders in other communities...are there other ways that you think you can show to the rest of the Commission how that would be... I just want to cite an example; I didn't know, for example, that the Lanai people wanted the Lanai Planning Commission for themselves; of course, we had some indication that they do want when we were in Lanai... But, we were given a multi-page of signatures -- people from Lanai wanted this for themselves. I guess the question is...if we had that type of support for a single member district for the Commission... We did discuss and we did debate on this, but it looked like only a few people really want it, but the rest really... If there is really that type of demand from the community, it would really help us help the people, if that can be shown to the Commission. It's not a question...but we need what kind of support we can find to get those type of...

Barr: If I may take that as a question, Mr. Chairman, I can give a response to that. I think you will find that most of us that have been here for some time and involved in politics, have given up demanding that because we felt that as long as the power structure remained where it was, we'd never be given the opportunity to vote for single member districts. The public is much more involved now than it ever has been, and if you have attended...or if you even read in the paper about some of the meetings of the planning commission, like in Kihei Monday night...and of the water board, when they proposed that for every ohana unit they were going to charge this new fee...and of the council, for any

Barr: (Continued) number of its issues -- you are aware that the public has been going to a lot of things and speaking out. And, I think you should not be disappointed that a lot of people are not here; you should take that as indication that you're not hurting us -- and so, we're not crying.

But, with respect to that particular issue, I think we'd given up hope. I talked with several friends when the Charter Commission was first supporting it, about organizing an effort to lobby you...to convince you that it was a widespread feeling that we should get single member districts. And, I have to tell you honestly, my recommendation to them was -- we won't have to; the quality of that Commission is such that they'll put it on the ballot anyway. And, I'm speaking now because you didn't do it; I was surprised at that. Now, if you really want us to organize that sort of effort, I suppose we could. But, if you put it on the ballot, I think you will get your evidence by the fact that it will pass.

And, in any case since I have the mike again, don't do what you're planning to do, because now you will create a second Lanai; and the next time we try to get single member districts, the situation will be worse because people will not only say 'well, we can't do this to the poor people of Lanai,' they will also be saying 'we can't do this to the poor people in Hana.' Because you are now creating a new district in your proposal that is the same situation as Lanai, a small undersized -- overrepresented -- district.

Sparks: I wanted to follow up with a couple of points on this subject. One thing is, we're not going to have a thirty-some year council person from Hana because we're putting a ten year limit; so that kind of helps that situation in the long term future. The other is, there's some reasonably good arguments for an At-Large system with residency requirements such as we've proposed; even though as you know, and most people know because I went public with it, and it wasn't my favorite position...I can see where reasonable people could conclude that this is a better option for the county at this point in history. One of the standard arguments that I'm sure you're aware of is that true single member districts can kind of fragment the political process; and people can become narrow and worry about pork barrels, and taking care of their districts only. An At-Large system more or less forces all the politicians to think of...and work for elections throughout the entire county; so it's more integrative rather than divisive, in that sense.

The residency requirement thing, I think, is a significant step ahead of an At-Large system without residency requirements for a couple of reasons. One is it assures each distinct region in the county at least a voice on the council...someone who is their neighbor, who lives in their area, drives on their roads, suffers their water problems, has to run into them and talk to them from time to time...so it's a person you would expect would be naturally especially interested in that region and its problems, and would be especially available to those people -- even though they have to run for election throughout the county. And, the areas with the large populations they would have to pay attention to -- we all understand that -- and that is one of the problems with the At-Large system...because the large population sectors tend to dominate all the races. But anyway, if you take all those factors into account, it's not a totally unreasonable system either.

Barr: Ideally, what you say is true; in practice, that's not what happens.

Cockett: Just a general statement... We had this handout at the door; I don't know if all of you have picked it up. There are a lot of items here that you really ought to consider, and unfortunately, you didn't have a chance to read through it until you arrived tonight. Take it with you; you might have some friends who would like to review this. And, there's some items that might interest you that have not been discussed tonight; you can send it in...we have a P.O. Box...307, Kahului, Maui 96732. We would certainly like to hear from you and your neighbors about the items that are on this list.

Oh yes, in fact, we have a meeting on the 2nd [July] at the county building, 7th

Cockett: (Continued) floor at 3:00 p.m. if you want to take the trip to Wailuku to testify in person. Otherwise, a mail-in would certainly help, because we want as much input as we can get.

Yonenaka: If anyone else has any more questions that we could answer for you, we'd like to hear from you. None? Thank you for coming.

IV. ADJOURNMENT

There being no further public testimony, Commissioner Yonenaka adjourned the Upcountry Public Meeting at 7:40 p.m.

ACCEPTED:

Sherrilee Dodson, Vice Chair Date