

Resolution

No. 06-61

PROPOSING AMENDMENTS TO THE REVISED
CHARTER OF THE COUNTY OF MAUI (1983), AS
AMENDED, CHANGING THE DEPARTMENT OF
PUBLIC WORKS AND ENVIRONMENTAL
MANAGEMENT TO THE DEPARTMENT OF PUBLIC
WORKS AND ESTABLISHING A DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

BE IT RESOLVED by the Council of the County of Maui:

1. That, pursuant to Section 14-1(1), Revised Charter of the County of Maui (1983), as amended ("Charter"), it hereby proposes that Article 8, Chapter 5, of the Charter, pertaining to the Department of Public Works and Environmental Management, be amended as follows:

**"CHAPTER 5
DEPARTMENT OF PUBLIC WORKS
[AND ENVIRONMENTAL MANAGEMENT]"**

Section 8-5.1. Organization. There shall be a department of public works [and environmental management] consisting of a director and the necessary staff.

Section 8-5.2. Director of Public Works [and Environmental Management]. The director of public works [and environmental management] shall be appointed and may be removed by the mayor. The director of public works [and environmental management] shall have had a minimum of five years of experience in an administrative capacity, either in public service or private business, or both.

Section 8-5.3. Powers, Duties, and Functions. The director of public works [and environmental management] shall:

1. Administer the building, housing, and subdivision ordinances and rules adopted thereunder.

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2. Approve proposed subdivision plans, which are in conformity with the subdivision ordinance.

3. Plan, design, build, and maintain the county's highways, and drainage and flood control systems [and sewer systems].

[4. Supervise environmental management and control of pollution, including recycling, litter control, and protection of the unique beauty of Maui County.

5. Plan, design, build, operate, and maintain solid waste collection, processing and disposal systems, including recycling programs.

6. Plan, design, build, operate, and maintain the county's sewer treatment plants, pump stations, sewer lines, reclaimed water distribution systems, and related programs.]

[7]4. Perform such other duties and functions as shall be assigned by the mayor."; and

2. That, pursuant to Section 14-1(1) of the Charter, it hereby proposes that Article 8, Chapter 8, Section 8-8.4 of the Charter, pertaining to the Department of Planning and planning commissions, be amended as follows:

"Section 8-8.4 Planning Commissions. Each planning commission shall consist of nine members appointed by the mayor with the approval of the council. The members of each planning commission shall be residents of the island of the planning commission on which the member serves. The director of the department of public works [and environmental management], the director of environmental management, and the director of the department of water supply shall be non-voting ex-officio members of each commission.

Each planning commission shall exercise its powers, duties, and functions as follows:

1. The Maui planning commission shall be concerned with the area encompassing the islands of Maui and Kaho`olawe and all other islands lying within three nautical miles of the shores thereof, and the waters adjacent thereto.

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2. The Moloka`i planning commission shall be concerned with the area encompassing the island of Moloka`i and all other islands lying within three nautical miles of the shores thereof, and the waters adjacent thereto, except that portion of the island known as Kalaupapa, Kalawao, and Waikolu and commonly known and designated as the Kalaupapa Settlement.

3. The Lana`i planning commission shall be concerned with the area encompassing the island of Lana`i and all other islands lying within three nautical miles of the shores thereof, and the waters adjacent thereto.

The appropriate planning commission shall:

1. Advise the mayor, council, and the planning director in matters concerning planning programs.

2. Review the general plan and revisions thereof prepared by the planning director or at the request of the council. The commission shall hold public hearings on such plans and revisions thereof and shall transmit them, with its findings and recommendations to the council for consideration and action no later than one hundred eighty (180) days after the final public hearing.

3. Review other proposed land use ordinances and amendments thereto prepared by the director or the council and, after public hearings, transmit such ordinances with its findings and recommendations thereon to the council for consideration and action no later than one hundred twenty (120) days after the final public hearing.

4. Act as the authority in all matters relating to the Coastal Zone Management law.

5. Adopt rules pursuant to land use ordinances or law.

6. Have such powers and duties as may be provided by law."; and

3. That, pursuant to Section 14-1(1) of the Charter, it hereby proposes that Article 8, Chapter 11, Section 8-11.3 of the Charter, pertaining to the Department of Water Supply and Board of Water Supply, be amended as follows:

"Section 8-11.3 Board of Water Supply. The board of water supply shall consist of nine members who shall be appointed by the mayor with the approval of the council. The director of the department of planning, the director of environmental management, and the director of the department of public works [and environmental management] shall be non-voting ex-officio members of the board of water supply. The board of water supply shall act as advisor to the director of the department of water supply, the mayor and the council in all matters concerning the county's water system."; and

4. That, pursuant to Section 14-1(1) of the Charter, it hereby proposes that the Charter be amended by adding a new Chapter under Article 8 to read as follows.

**"CHAPTER 15
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

Section 8-15.1. Organization. There shall be a department of environmental management consisting of a director and the necessary staff.

Section 8-15.2. Director of Environmental Management. The director of environmental management shall be appointed and may be removed by the mayor. The director of environmental management shall have had a minimum of five years of experience in an administrative capacity, either in public service or private business, or both.

Section 8-15.3. Powers, Duties, and Functions. The director of environmental management shall:

1. Supervise waste management and control of pollution, including recycling, litter control, and protection of the unique beauty of Maui County.
2. Plan, design, build, operate, and maintain solid waste collection, processing and disposal systems, including recycling programs.
3. Plan, design, build, operate, and maintain the county's sewer treatment plants, pump

stations, sewer lines, reclaimed water distribution systems, and related programs.

4. Perform such other duties and functions as shall be assigned by the mayor."; and

5. That, pursuant to Section 14-1(1) of the Charter, it hereby proposes that Chapters 15, 16, and 17 of Article 8 of the Charter, pertaining to the Cost of Government Commission, Civil Defense Agency, and Salary Commission, respectively, be renumbered and amended as follows:

**"CHAPTER [15]16
COST OF GOVERNMENT COMMISSION**

Section [8-15.1]8-16.1. Declaration of Policy. It is declared to be the policy of the county to promote economy, efficiency and improved service in the transaction of the public business in the legislative and executive branches of county by:

1. Limiting expenditures to the lowest amount consistent with the efficient performance of essential services, activities, and functions.
2. Eliminating duplication and overlapping of services, activities, and functions.
3. Consolidating services, activities, and functions of a similar nature.
4. Abolishing services, activities, and functions not necessary to the efficient conduct of government.

Section [8-15.2]8-16.2. Cost of Government Commission. For the purpose of carrying out the policy set forth herein the mayor with the approval of the council shall biennially appoint a cost of government commission consisting of nine members.

Each such commission shall:

1. Prepare and submit to the mayor a request for an appropriation for the operation of the commission.
2. Study and investigate the organizations and methods of operations of all departments,

commission, board, offices and other instrumentality of all branches of the county government and determine what changes, if any, may be desirable to accomplish the policy set forth herein.

3. Be authorized to secure directly from any department, commission, board, office, or any other instrumentalities of all branches of the county government or from any individual officer or employee of the county, information, suggestions, estimates, and statistics necessary to carry out its duties.

4. Submit a report of its findings and recommendations to the mayor and council not later than eleven (11) months after its appointment.

Section [8-15.3]8-16.3. Term of Commission. Members of the cost of government commission shall serve for staggered terms of two (2) years, with an initial appointment of four members to serve two (2) year terms and five members to serve one (1) year terms. A member may be reappointed, but shall not serve on the commission for more than a total of four (4) years.

**CHAPTER [16]17
CIVIL DEFENSE AGENCY**

Section [8-16.1]8-17.1. Organization and Functions. There shall be a civil defense agency whose powers, duties, functions and organization shall be as provided by law. The fire and public safety commission, as established in Section 8-7.2 herein, shall review the operations of the agency and make recommendations for changes which may be desirable to improve the performance of emergency functions and the provision of public safety services. The commission shall receive and investigate any complaints brought forth by the public against the conduct of the agency or any of its members and submit a written report of its findings and recommendations to the civil defense administrator for the administrator's disposition.

CHAPTER [17]18
SALARY COMMISSION

Section [8-17.1]8-18.1. **Organization and Functions.** There shall be a salary commission, which shall consist of nine members appointed by the mayor with the approval of the council. The members of this commission shall have five-year terms, and can be reappointed once to a second five-year term. Two members shall be appointed or reappointed each year, except that only one member shall be appointed or reappointed every fifth year. The commission shall determine the compensation of elected official and appointed directors and deputy directors of all department of the county provided, however, in establishing the compensation of appointed department heads and their deputies, the salary commission shall consult with those boards and commission which have appointing authority for department heads."

6. That it does hereby propose that the following question be placed on the 2006 General Election ballot:

"Should the Department of Public Works and Environmental Management be divided to form two separate departments, a Department of Public Works and a Department of Environmental Management, and should the provisions of the Charter be modified by non-substantive "housekeeping" measures related to this amendment?"

7. That material to be repealed is bracketed. New material is underscored; and

8. That, pursuant to Section 14-2(1) of the Charter, this resolution be submitted to the voters of the County of Maui at the next general election; and

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9. That the County Clerk prepare the necessary ballot for presentation to the voters at the 2006 General Election; and

10. That, upon approval by the majority of the voters as indicated by the number of votes cast and upon official certification of such result, the amendment proposed herein take effect on July 1, 2007; and

11. That certified copies of this resolution be transmitted to the Mayor and the Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY


for Traci Fujita Villarosa
Traci Fujita Villarosa
First Deputy Corporation Counsel
County of Maui

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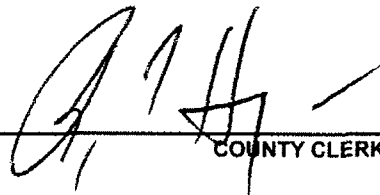
COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that RESOLUTION NO. 06-61 was adopted by the Council of the County of Maui, State of Hawaii, on the 7th day of July, 2006, by the following vote:

MEMBERS	G. Riki HOKAMA Chair	Robert CARROLL Vice-Chair	Michelle ANDERSON	Jo Anne JOHNSON	Dain P. KANE	Dennis A. MATEO	Michael J. MOLINA	Joseph PONTANILLA	Charmaine TAVARES
ROLL CALL	No	Aye	Aye	Aye	No	Aye	Aye	Aye	Aye



COUNTY CLERK

Passed First Reading on June 23, 2006