

**From:** <pillerrj001@hawaii.rr.com>  
**To:** <charter.commission@co.maui.hi.us>  
**Date:** 6/30/2011 9:16 AM  
**Subject:** Maui County Charter changes

Maui Charter Commission

I would urge you to change the manner in which we, the citizens, elect our local representatives. The present system of "at large" voting by everyone for all of the candidates is a travesty of the 1-man/1-vote concept. Each geographical area should only be voting for the representative for that district, and the districts should be based on population size not geographical area. Many times in the recent past candidates have failed to carry their district but have been elected by voters from outside that district. At present the citizens in the Kihei-Wailea area, who number about 27,000, are drastically under-represented on a per-capita basis, while the residents of Hana, Lanai & Molokai are disproportionately over-represented. Those three districts combined probably only contain half the population of Kihei-Wailea, at best. West Maui has about half the population of Kihei-Wailea and it has its own council seat. If the population was represented on a per-capita basis it would look something like Kihei-Wailea 2 seats, Lahaina 1 seat and the combined areas of Hana/Molokai/Lanai 1 seat. I realize the argument is that these small communities would somehow be marginalized if they did not have their own council member, but "canoe districts" are a fact of life all across this nation, and even this state on the federal level. It is time to change to a system whereby there is truly "equal representation."

Additionally, the citizenry's ability to place a matter on the ballot by means of a petition needs to be changed. The present system whereby 20% of the registered voters are required to petition for an issue to be presented on the ballot is truly onerous. I think the requirement should be changed to something like 10% of the number that actually voted in the previous election. That would still be quite a hurdle, but it would give the populous a chance to get issues in front of the voters. We don't need the County council controlling us like we're still a plantation and they're the lunas who know what's best for us and can keep us in line by only letting those things be considered that they think are appropriate (or don't threaten their power).

Jerry Piller  
registered voter (who votes in every election)  
268-9621

072511-Reg-Item No. II.A.

**corpcoun - [Possible SPAM] Charter Commission**

**From:** Al Rabold <arabold@hawaii.rr.com>  
**To:** <corpcoun@co.maui.hi.us>  
**Date:** 7/4/2011 2:30 PM  
**Subject:** [Possible SPAM] Charter Commission

I've attended a number of public meetings on various topics in Maui County. These meetings seldom accomplish much because there is insufficient time to adequately exercise topics of any consequences and, hence, decisions are made that fail to reflect the will of the people. A much better way would be to allow written suggestions during the definition stage.

The chair of the Charter Commission has made statements praising the need for and value of public input. That said, the Charter Commission has held a few public meetings that have yielded little, which as expected, inadequately exercised its topics. If the chair is truly committed to soliciting public input and allowing the public to completely exercise their suggestions, it seems to me it would behoove the Commission to have an email address. Other than your email, none is listed on the website.

I also tried contacting Commission members whose email addresses I knew directly but they refuse to respond. Is this commission really interested in improving the way we do things on Maui or are they, like the council, simply concerned with maintaining the status quo?

Al Rabold  
Kula, HI

072511 - Req - Item No. II.B.

**Charter Commission - [Possible SPAM] CORRECTION: Communication to Charter Commission**

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**From:** "Dick Mayer" <dickmayer@earthlink.net>  
**To:** <corpcoun@co.maui.hi.us>, <charter.commission@co.maui.hi.us>  
**Date:** 7/5/2011 5:36 PM  
**Subject:** [Possible SPAM] CORRECTION: Communication to Charter Commission  
**Attachments:** Charter Commission Suggestions 7-5-2011.doc

Aloha Lisa,  
Please use the attached revised version which  
has a correction/revision in the very last paragraph.

Dick Mayer 283-4376

Aloha Charter Commissioners,

The attached letter is a digital version of the  
testimony that I presented to the Charter Commission  
at your June 8 Pukalani public hearing.

I have added item #6 dealing with the county budget,  
an issue that I hope will receive your attention.

I request that you consider these proposed amendments  
and I wish you all much success in your difficult task.

Mahalo on behalf of all our Maui residents,

Dick Mayer                      dickmayer@earthlink.net  
1111 Lower Kimo Dr.      Tel 283-4376  
Kula, HI 96790

072511 - Req- Item No. II.C. pgs 1-5

FROM: Dick Mayer [dickmayer@earthlink.net](mailto:dickmayer@earthlink.net)  
TO: Maui County Charter Commission

July 5, 2011

RE: Recommendations for possible inclusion in charter amendments

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## 1. Countywide Policy Plan

<http://www.co.maui.hi.us/documents/Planning/Long%20Range%20Division/Countywide%20Policy%20Plan/Ord.3732%20-%20Section%20IV.PDF>

Maui County has for the first time a comprehensive Countywide Policy Plan. Pages 78 to 81 of the Plan contain recommendations on how our county government may be improved and operate more effectively, responsibly and efficiently. Here are some of the statements more relevant to the work of the Maui Charter Review Commission.

To help implement the Countywide Policy Plan, I urge the Charter Review Commission to review the recommendations in this section because the statements reflect the recommendations of many citizens, the GPAC, the three Planning Commissions and our County Council.

### **COUNTYWIDE POLICY PLAN - Goal: Section K. Strive for Good Governance**

Government services will be transparent, effective, efficient, and responsive to the needs of residents.

Objective 1. Strengthen governmental planning, coordination, consensus building, and decision making.

#### *Implementing Actions:*

- a. Develop policies, regulations, and programs to protect and enhance the unique character and needs of the County's various communities.*
- b. Evaluate and, if necessary, recommend modifications to the County Charter that could result in a possible change to the form of governance for Maui County.*
- c. Study and evaluate the feasibility and implications of district voting in Maui County Council elections.*
- d. Study and evaluate the feasibility of authorizing town governments in Maui County.*

Objective: 2. Promote civic engagement.

#### *Implementing Actions:*

- a. Implement two-way communication using audio-visual technology that allows residents to participate in the County's planning processes.*
- b. Ensure and expand the use of online notification of County business and public meetings, and ensure the posting of all County board and commission meeting minutes.*
- d. Develop a project-review process that mandates early and ongoing consultation in and with communities affected by planning and land use activities.*

A specific recommendation of the countywide policy plan is to facilitate the ability of residents to communicate with their county government. **The Charter Review Commission could recommend an amendment to the County Charter which would require that telecommunication facilities be made available in our three more remote communities: Lanai, Molokai, and Hana. These facilities would allow residents in these areas to testify remotely at County Council meetings. It would empower those more isolated communities.**

## **2. County Council Districts and the election of Councilmembers**

- a) - Present system with nine significantly unequal residency districts
- b) - 9 single member districts with equal population size
- c) - 3 districts with equal population size; each district with 3 members
- d) - 6 districts with equal population size; plus 3 at-large council districts

### **RATIONALE FOR A CHANGE:**

Some of the present residential districts have very small populations, while other residential districts have very large population numbers. This seems unfair and goes directly against the concept of "equal representation".

New candidates find it very expensive to run county-wide, and thus are at a considerable disadvantage in running against well-known incumbents. Quality individuals should be elected and given the opportunity to be heard (one of the goals of the change in election method) without the financial burden of campaigning county wide.

At present voters may not know each candidate well, because candidates live distant from them; consequently, voters may not vote in important council races.

Probably, the biggest opposition to a change will be the perception that isolated areas of our county with the smallest population/voice (Lanai, Molokai and Hana) will be losing representation. That is not necessarily so.

- a. At present voters in a residential seat with a small population (such as Lanai, Molokai or East Maui) may find that the candidate whom they would want loses an election because voters in distant more populated districts vote for someone else. This has often happened, too often.
- b. Voters will not be limited to electing a candidate from a small population pool in a very small geographic area. With a changed system and a larger pool from which to get potential candidates, the emphasis will be on candidate qualifications, their abilities, ideas and opinions, not simply because they live in a specific town or island.
- c. With the internet and Akaku broadcasts, geographically remote areas are no longer so isolated from knowledge and information. Communication has bridged physical isolation and distance. The needs and desires of our small remote communities can be expressed and receive attention today in ways that barely existed a decade ago. Furthermore transportation from Molokai and Lanai has been facilitated by ferry services.

## **3. Community Plan District Participation**

### **Consider adding the following amendment to our Charter**

"Each island shall have its own Planning Commission. Each of the six community plan districts on Maui Island shall have its own permanent Advisory Board (such as the Advisory Board which already exists in Hana). The six Advisory Boards would make recommendations to the County Council, the Maui Planning Commission and, where applicable, to other County boards and commissions. Each Advisory Board shall have 11 members: Two members selected by the Mayor, and one selected by each Council member. Members will serve for three years, and may be reappointed twice."

#### **4. Blue Ribbon Selection Committee**

Some boards and commissions actually oversee department operations – like the Civil Service and Police Commissions; some are key to our planning process, such as the Planning Commissions and the Board of Variances and Appeals; and others are key to the quality of our lives, such as Traffic Safety, Liquor Control, and Ethics. Taken together, these boards amount to a “Third Branch of County Government.” Because they depend on volunteer citizens who can give their time and service to the community, it is critical that we encourage the best people to serve.

Maui County has approximately 34 boards and commissions. Membership on the boards and commissions is usually based on the recommendation of the Mayor and the subsequent approval by the Maui County Council. The process can be improved by the establishment of a “Blue Ribbon Selection Committee” that would assist the Mayor in recruiting, selecting and recommending the best possible candidates for each board and commission.

New paragraphs similar to the following could be added to the Charter:

**“Blue Ribbon Selection Committee:** When making nominations to the various boards and commissions, the mayor shall rely on the recommendations provided by the Blue-Ribbon Selection Committee. That committee shall attempt to recruit the best qualified potential candidates, screen the candidates, and make recommendations to the Mayor. Although the ultimate decision to make a recommendation rests with the Mayor, the mayor shall make every effort to utilize the selection committee’s recommendations.

“Membership on the Blue Ribbon Selection Committee shall be Blue Ribbon Selection Committee on the appointment of three members by the Mayor and three members by the County Council chair. These six members shall select a seventh member who will be the chair of the selection committee. An appointment to the committee shall be for a two-year term which may be renewed one time.

“The selection committee and its members shall conduct the process discreetly and shall be accountable to reveal the specific positive and negative recommendations solely to the Mayor.”

**RATIONALE:** Annually there are about 50-80 commission and board vacancies. Some examples of the functions which these county boards and commissions oversee include: Police, Traffic Safety, Cultural Resources, Water, Planning, Liquor Control, and Ethics.

Most boards and commissions need citizens who generally are active members of the community. However, some boards and commissions require technical expertise: engineers, architects, archaeologists, veterinarians, Hawaiian language and culture, etc.

The idea for such a committee is based on the process that is used to select judges. Hopefully, the boards and commissions will be staffed by individuals selected for their qualifications rather than their contributions to a candidate’s political campaign. The Mayor should nominate qualified and interested citizens who reflect the true diversity of our county: geographically, ethnically, politically, etc.

The membership of the “blue ribbon committee” should be individuals of solid reputation from a variety of backgrounds. They should know many people in our community so that they could help recruit potential applicants. They should be knowledgeable about county operations. No special effort need be made to include members of the mayor’s campaign organization, nor members from a particular political party.

## **5. General Plan: Implementation and Enforcement:**

Implementation of the Maui General Plan requires the coordination of numerous public and private groups throughout its 20-year planning horizon.

“An ‘Implementation Unit’ within the Department of Planning’s Long-Range Division shall pro-actively implement and coordinate the General Plan’s components: the Countywide Policy Plan, the Maui Island Plan, and the respective community plans; and shall coordinate with the ‘Enforcement Unit’ within the Current Planning Division to vigorously enforce the provisions of these plans.

### **Rationale:**

#### **IMPLEMENTATION UNIT (in Long-Range Division) – Function & Responsibilities:**

The components of the Maui General Plan have many provisions which contain action words such as: “encourage,” “support,” “ensure,” “prohibit,” “protect,” etc. It shall be the role of the Implementation Unit to initiate studies, make proposals, propose legislation, and carry out actions to make sure that the mandated policies and actions contained in the various plans are actually implemented. It shall also prepare budget proposals for funding by the County, State, the Federal government, or from private sources.

This division shall boldly take the initiative:

- a) to determine the best method to ensure that plan policies are carried out;
- b) to place the responsibility for implementing necessary actions on the proper agency or individual;
- c) to seek Mayoral and County Council support;
- d) to work with the various County departments, State agencies, Planning Commissions and County Boards; and even,
- e) to go to the general public for support, if necessary.

#### **ENFORCEMENT UNIT (in Current-Planning Division) – Function & Responsibilities:**

A violation of the General Plan would be a repudiation of the combined wishes of all those who have prepared the plans, as well, as the collective will of the County which has officially adopted these plans as ordinances. Consequently, the Enforcement Division shall have the authority to seek enforcement of the plans’ provisions. The Division shall take complaints from the public or County departments, cite violators, recommend corrective actions, assess and collect penalties, and refer plan violators to the County’s Prosecuting Attorney or the State Attorney General.

## **6. 2-Year Budget Cycle is Needed**

Annually our Maui County Council spends an inordinately large amount of energy and time (3 months plus a “rest period” after the intense budget sessions) reviewing the county’s budget. This focus on the budget means that much important legislation never gets discussed.

The Charter could be amended to put the county budget on a two-year cycle. A 2-year Operating budget would be approved in odd-number years (the year after the Council gets elected). The 2-year Capital-Improvement-Projects (CIP) budget would be reviewed only in even-number years.

The time period for the reviews should be reduced from the present 3 months each year to 2 months for the operating budget and 1.5 months for the CIP budget. The Council may make supplemental budget amendments/adjustmentss as it does now.

# Charter Commission - [Possible SPAM] Proposed amendments to the Charter

**From:** "tairak001@hawaii.rr.com" <tairak001@hawaii.rr.com>  
**To:** "Charter Commission" <charter.commission@co.maui.hi.us>  
**Date:** 7/7/2011 1:55 PM  
**Subject:** [Possible SPAM] Proposed amendments to the Charter

## Members of the Commission

The following are proposed amendments to the charter.

Single district representation would level the field and allow a challenger to compete effectively by removing the incumbent's name recognition and fund raising potential. It w

Replace Section 3-1 with the following:

**Section 3-1. Composition.** There shall be a council composed of nine members who shall be elected from districts approximately equal in population. Council districts shall be  
Council members shall be a resident of the district he/she represents. Residency can be evidenced by the previous voter's registration rolls.  
Voter may vote for only candidates from voter's district.

Transparency is essential in a democracy. There is very little that should be kept confidential. Confidentiality does not include reports generate for distribution to other parties

Amend the following sections:

**Section 3-6. Powers of Council.** The council shall be the legislative body of the county. Without limitation of the foregoing grant or of other powers given it by thi

5. To require periodic and special reports from all county departments concerning their functions and operations. Such reports shall be requested and submitted t

**Section 7-5. Powers, Duties and Functions.** The mayor shall be the chief executive officer of the county. The mayor shall:

13. [In addition to the] make an annual report that includes a balance sheet, and make periodic reports informing the public as to county policies, programs and o

**Section 9-13. Audit of Accounts.** Within [six (6)] three (3) months after the beginning of each fiscal year, the county council shall provide for an independent auc  
of the audit reports shall be filed with the county clerk and shall be a public record.

In case of the death, resignation or removal of the director of finance, the council shall cause an independent audit to be made of the finance director's accounts. (

## Section 13-7. Annual Reports.

1. Department. Not later than [ninety (90)] sixty (60) days after the close of the fiscal year, each department shall make an annual written report of its activities
2. Non-governmental organizations. Not later than sixty (60) days after the close of the county's fiscal year, non-governmental organization awarded a grant c

## New addition

**Section 13-17 Reports.** All reports required by Charter, Code, Ordinances and resolution shall be available to the public at no cost by posting on county website or at or

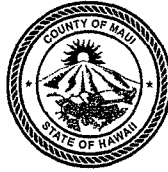
072511 - Req - Item No. II.D.



ALAN M. ARAKAWA  
Mayor

WILLIAM R. SPENCE  
Director

MICHELE CHOUTEAU McLEAN  
Deputy Director



COUNTY OF MAUI  
**DEPARTMENT OF PLANNING**

July 8, 2011

RECEIVED  
CORPORATION COUNSEL  
2011 JUL -8 PM 2:10

Mr. Joshua Stone, Chair  
Maui County Charter Commission  
c/o County of Maui  
Department of the Corporation Counsel  
200 South High Street  
Wailuku, Hawaii 96793

Dear Mr. Stone:

**SUBJECT: MAUI PLANNING COMMISSION'S (COMMISSION) COMMENTS FOR  
THE MAUI COUNTY CHARTER COMMISSION**

At its regular meeting of June 28, 2011, the Commission reviewed the above request, and after due deliberation, voted to approve the following recommendation:

- To consider reducing the number of members on the Molokai and Lanai Planning Commissions from nine (9) members to seven (7) members.

Thank you for your cooperation. If additional clarification is required, please contact Planning Program Administrator Clayton Yoshida at [clayton.yoshida@mauicounty.gov](mailto:clayton.yoshida@mauicounty.gov) or at (808) 270-7517.

Sincerely,

A handwritten signature in black ink, appearing to read "Kent Hiranaga", is written over a faint, larger signature.

KENT HIRANAGA, Chair  
Maui Planning Commission

xc: Michele McLean, Deputy Planning Director  
Clayton I. Yoshida, AICP, Planning Program Administrator  
Maui Planning Commission  
Carolyn Takayama-Corden, Secretary to Boards and Commissions  
General File

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072511 - Reg - Item No. II.E.

**From:** Sally Raisbeck <sallyraisbeck@earthlink.net>  
**To:** Charter Commission <Charter.Commission@mauicounty.gov>  
**Date:** 7/8/2011 2:58 PM  
**Subject:** [Possible SPAM] Residency district population figures, latest census

Residency district populations, from the latest census, as compiled by  
Bill Medeiros in the GIS office:

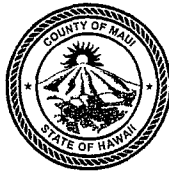
East Maui	3,136
Makawao-Haiku-Paia	21,282
Upcountry	16,557
South Maui	27,350
Kahului	25,437
Wailuku-Waihee-Waikapu	28,536
West Maui	22,156
Molokai	7,255
Lanai	3,135

072511- Reg. Item No. II.F.

ALAN M. ARAKAWA  
Mayor

WILLIAM R. SPENCE  
Director

MICHELE CHOUTEAU McLEAN  
Deputy Director



RECEIVED  
CORPORATION COUNSEL

2011 JUL 13 AM 10:45

COUNTY OF MAUI  
**DEPARTMENT OF PLANNING**

July 11, 2011

Mr. Joshua Stone, Chair  
Maui County Charter Commission  
c/o County of Maui  
Department of the Corporation Counsel  
200 South High Street  
Wailuku, Hawaii 96793

Dear Mr. Stone:

**SUBJECT: HANA ADVISORY COMMITTEE (HAC) TO THE MAUI PLANNING  
COMMISSION'S (COMMISSION) COMMENTS FOR THE MAUI COUNTY  
CHARTER COMMISSION**

At its meeting of June 7, 2011, the HAC to the Commission reviewed the above request, and after due deliberation voted to approve the following recommendation:

- To consider having a Hana Planning Commission.

Attached is a letter from Ward Mardfin, Hana Resident, presented at the meeting opposing such a charter amendment.

Thank you for your cooperation. If additional clarification is required, please contact Planning Program Administrator Clayton Yoshida at [clayton.yoshida@mauicounty.gov](mailto:clayton.yoshida@mauicounty.gov) or at (808) 270-7517.

Sincerely,

A handwritten signature in cursive script, appearing to read "William R. Spence".

LEHUA COSMA, Chair  
Hana Advisory Committee  
to the Maui Planning Commission

Attachment

xc: Michele McLean, Deputy Planning Director  
Clayton I. Yoshida, AICP, Planning Program Administrator  
Suzette Esmeralda, Secretary to Boards and Commissions  
Hana Advisory Committee  
General File

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072511- Reg- Item No. II.G. pgs-1-3

250 SOUTH HIGH STREET, WAILUKU, MAUI, HAWAII 96793

MAIN LINE (808) 270-7735; FACSIMILE (808) 270-7634

CURRENT DIVISION (808) 270-8205; LONG RANGE DIVISION (808) 270-7214; ZONING DIVISION (808) 270-7253

Ward Mardfin testimony for the meeting of the Hāna Advisory Committee to the Maui Planning Commission to be presented on June 7, 2011 as input to Item F.2. Communications regarding comments to the Maui County Charter Commission.

Dear members of the Hāna Advisory Committee (HAC),

I regret that I am off-island today and cannot attend your first meeting of the 2011-12 year but I wish you well in your endeavors. I did, however, want to provide some input and insight into item F. 2. on your agenda for today. Though I am in my last year as a Commissioner on the Maui Planning Commission (MPC), I am writing strictly as an individual and a resident of Hāna who wants what is best for our community.

You are being asked to make recommendations to the Maui County Charter Commission and I suspect a number of people may urge you to recommend the establishment of a Hāna Planning Commission to replace the Hāna Advisory Committee to the Maui Planning Commission (similar to a Lānaʻi Planning Commission and the Molokaʻi Planning Commission) for a number of reasons. I strongly urge you NOT to give in to this and to try to remain as an Advisory Committee as we are the only community in Maui County that has the BEST of both worlds.

I have heard it argued that there is deep frustration on the HAC because you are “merely advisory” and your wishes can be overruled by the MPC (much as the MPC is “merely advisory” to the Maui County Council on a variety of issues and can be overruled by the Council). This is true but I would suggest that it is fairly infrequently done. My observations over the last three years and three months is that the recommendations of the HAC are almost always followed by the MPC with perhaps a small modification where it is perceived necessary and helpful. For instance, the HAC recommendation for John Romain’s project was approved unanimously exactly as the HAC wanted it (with limitations on what could be done on the property).

Another example is the Ala Kukui issue where the HAC did not have enough votes to actually make a recommendation. Between when it left the HAC and arrived on the MPC agenda, there were some conversations between the Director of Planning and Ala Kukui. The result was that they requested a “Conditional Permit” to handle overnight accommodation issues and the “Special Use Permit” that was before you. While you did not make the final recommendation, you wanted several conditions added. At your Feb. 15 meeting you wanted time extensions (and transfers of ownership) to come back to the HAC rather than being solely under the discretion of the Director of Planning. While you had wanted this as part of “Standard Condition” no. 1 (and no. 3), the Dept. of Planning does not like to change the wording of “Standard Conditions” (that is why they are “standard”). Instead the MPC added a “Project Specific Condition” (the same impact as a “standard” condition) that in the event of time extensions and transfers of ownership the issue will be brought back to the HAC (with the proviso that you deal with it when it is first put on the agenda; if you have no quorum or cannot get the four votes necessary for action then it reverts to the Director – this is to prevent lengthy time delays at the HAC level). You had other concerns one of which is that “signage shall comply with the Hāna design guidelines. At the MPC it was not put in as a “project specific condition” but during the presentation, the Ala Kukui people were asked about this and they said they would follow the Guidelines. Since every project has a “Standard Condition” that “the applicant shall develop the property in substantial compliance with the representations made to the MPC” this issue was resolved exactly as the HAC wanted. This was also done to ensure activities that had been done in the past would be allowed in the future. Ala Kukui made commitments to keep a broad list of activities that would encompass all the past ones (the request for a project specific condition was not necessary). They also committed to an advisory committee composed of Hāna residents to pass on an activity list and they committed to publicizing the list within the Hāna community so that everyone would know what is going on. They also committed to overnight accommodations be limited to people in retreat programs. Since these were stipulated to in front of the MPC Ala Kukui can be held to them and have the same impact as adding numerous project specific conditions per se. The concerns of the Hāna community were well heard and the requirement of a “Conditional Permit” allowed for the resolution of these

without unnecessarily dragging out the time necessary to become legal (of course the conditional permit does require action by the County Council – the MPC is merely advisory to them).

All of this might not have come about if there were not BOTH a HAC and a MPC. The HAC allowed for the community to express itself, there was then time to make appropriate adjustments prior to the MPC meeting and then the wishes of the Hāna community were incorporated into the final recommendations to the County Council (for the Conditional Permit) and the decision on the Special Use Permit. All in all, I see this as a superior outcome to having just one body look at it.

Because the majority of the MPC members are not as familiar with Hāna, they are much more likely to accede to what the HAC says and almost rubberstamp it unless there are major things that have been overlooked. That is one advantage of a “second look”. Suppose there were a Hāna Planning Commission (HPC). In one meeting, they might approve something and it is done. There is no opportunity for the community to have second thoughts and a do-over. This “second bite of the apple” is, to me, a huge advantage for Hāna. No other community has this opportunity. On Lāna‘i and Moloka‘i, the Planning Commissions are the first and last word. For the other communities on Maui Island, the MPC is the first and last word. But Hāna has both the HAC for immediate community input, then a month or two to mull it over, seek more evidence, etc. before the MPC has its chance (and a second chance for Hāna residents to have their views taken into consideration). Except for the fact that all the other communities on Maui are larger and less of a homogeneous community, if I lived in one of them I would be pushing for a Lahaina Advisory Committee or a Kula Advisory Committee. All the rest only have one chance.

While it is possible that a future MPC could totally violate what the Hāna community wanted but I think this is not likely to happen especially if the HAC acts promptly and responsively and is clear about what the community wants.

It is sometimes said that having both the HAC and the MPC slows things down and it probably does since the HAC meets much less frequently than the MPCs twice a month schedule. But I personally think that this also is an advantage to us by allowing for more community input – we want to keep Hāna, Hāna.

I believe there is also an advantage in going through the MPC which sees a large number of projects in various parts of the island. That extra experience that Commissioners have can help provide some perspective for Hāna. For instance, for Ala Kukui at the HAC meeting there was never a discussion of weddings. At the MPC there are several projects where neighbors are seriously bothered by the noise, traffic, etc. from constant weddings and receptions. So when Ala Kukui came before the MPC, I was able to raise these issues due to my experience with similar projects. Also many things are interconnected on our island and having an HPC might not take much account of the interconnectedness. This is much less true for Lāna‘i and Moloka‘i because they are separate islands.

Hāna is a small community. It is easily possible that future HACs could be dominated by some small group that is not terribly representative of the community as a whole. As it is currently, the community could appeal to the MPC for modifications of a recommendation. With a HPC, this would not be possible. Of course if it were an MPC recommendation to the Council, the community could still directly appeal to the Council.

In short, I believe the status quo has huge advantages for the Hāna community and is far superior to a stand-alone Hāna Planning Commission. I urge you to support the HAC as such, encourage full attendance at all meetings, and enjoy the advantages of a “two bites of the apple” arrangement.

*Respectfully Submitted*

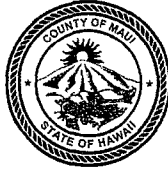
*Ward Marshall*

*June 6, 2011*

ALAN M. ARAKAWA  
Mayor

WILLIAM R. SPENCE  
Director

MICHELE CHOUTEAU McLEAN  
Deputy Director



RECEIVED  
CORPORATION COUNSEL

2011 JUL 13 AM 10:44

COUNTY OF MAUI

**DEPARTMENT OF PLANNING**

July 11, 2011

Mr. Joshua Stone, Chair  
Maui County Charter Commission  
c/o County of Maui  
Department of the Corporation Counsel  
200 South High Street  
Wailuku, Hawaii 96793

Dear Mr. Stone:

SUBJECT: MOLOKAI PLANNING COMMISSION'S COMMENTS FOR THE MAUI  
COUNTY CHARTER COMMISSION

At its regular meeting of June 8, 2011, the Molokai Planning Commission (Commission) reviewed the above request, and after due deliberation voted to approve the following recommendation:

- To consider having outgoing board members retain their membership on the board until their terms expire or their replacement member is confirmed, whichever is later.

If additional clarification is required, please contact Planning Program Administrator Clayton Yoshida at [clayton.yoshida@mauicounty.gov](mailto:clayton.yoshida@mauicounty.gov) or at (808) 270-7517.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mikiala Pescaia".

For:  
MIKIALA PESCAIA, Chair  
Molokai Planning Commission

xc: Michele McLean, Deputy Planning Director  
Clayton I. Yoshida, AICP, Planning Program Administrator  
Nancy M. McPherson, Molokai Planner  
Molokai Planning Commission  
Suzette Esmeralda, Secretary to Boards and Commissions  
Molokai File  
General File

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072511- Reg - Item No. II. H.

250 SOUTH HIGH STREET, WAILUKU, MAUI, HAWAII 96793  
MAIN LINE (808) 270-7735; FACSIMILE (808) 270-7634

CURRENT DIVISION (808) 270-8205; LONG RANGE DIVISION (808) 270-7214; ZONING DIVISION (808) 270-7253

## Charter Commission - [Possible SPAM] District Voting

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**From:** "Ruth McKay" <ruthandjoe2@hawaii.rr.com>  
**To:** <charter.commission@mauicounty.gov>  
**Date:** 7/13/2011 1:10 PM  
**Subject:** [Possible SPAM] District Voting

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Aloha Honorable Members of the Charter Commission,

We would like to present written testimony for the July 13 meeting at the Lahaina Civic Center. We are unable to attend due to a conflicting ACS "Relay for Life" meeting but we feel so strongly about this issue we wanted to present our views. Only voters of a certain County Council representative's district should be voting for that candidate and that candidate should also be residing in the area that they are running for. This can be verified by electric bills or if they are not a home owner a long term lease. For too long the larger populated area have voted in a representative for all seats which sometimes is not the choice of the people residing in that area. This is not true representation.

Also follow Chairman Dave DeLeon's suggestion that smaller populated areas have direct representation in local boards who can advise a Council member who represents a larger populated area. Let us have more home rule for the voters who truly know more about their area.

Mahalo, Joe and Ruth McKay, 50 Puu Anoano St. # 3907, Lahaina, HI. 96761

072511- Reg - Item No. II.I.

## Charter Commission - Charter amendment suggestion

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**From:** Marcy Martin <martinpeaks@yahoo.com>  
**To:** "charter.commission@mauicounty.gov" <charter.commission@mauicounty.gov>  
**Date:** 7/13/2011 5:43 PM  
**Subject:** Charter amendment suggestion

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We propose to have a charter amendment that states:

The County of Maui shall NOT give any money to non profits.

At the very least, the amount of money the County of Maui can give to non profits should be limited to say .01% of real property tax revenues.

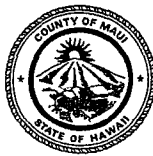
It is completely unfair that the County of Maui can use tax payer dollars to support non profits. County of Maui tax payers have no control on how these non profits run their businesses. The non profits could have employees that make more than the mayor.

Marcy, Dan and Ariel Martin  
23 Hoe Place  
Paia

072511- Reg - Item No. II.J.



ALAN M. ARAKAWA  
MAYOR



MARK VAUGHT  
COMMISSION CHAIR

WENDY OSHER  
COMMISSION VICE CHAIR

**COUNTY OF MAUI**  
**FIRE & PUBLIC SAFETY COMMISSION**

200 DAIRY ROAD  
KAHULUI, HI 96732  
(808) 270-7898  
Fax (808) 270-7919

July 15, 2011

Mr. Joshua A. Stone, Chair  
Charter Commission  
c/o Department of the Corporation Counsel  
200 S. High Street  
Wailuku, HI 96793

Dear Chair Stone:

Subject: Request for Submittal of Proposed Charter Amendments  
and/or Recommendations

Thank you for the opportunity to comment on the study and review of the County's current Charter, and amendments thereof. On behalf of the Fire and Public Safety Commission we humbly request that no changes or amendments be made to Chapter 7, of the County Charter, relating to the Department of Fire and Public Safety and the Fire and Public Safety Commission. However the Fire and Public Safety Commission offers suggested revisions to Chapter 17, Section 8-17.1 of the Charter.

The Fire and Public Safety Commission has served the public in a very professional manner and has clearly demonstrated the ability to receive, review, and investigate public charges involving misconduct by fire fighters, and also our authority in appointing, evaluating, and removing the Fire Chief. As a commission, we feel we are an important part of a Maui County Department of Fire and Public Safety that the community can be very proud of.

The Fire and Public Safety Commission adheres to and feels strongly about their duties as established pursuant to the Charter. One of its duties is to consult with the Salary Commission regarding establishing the compensation of the Fire Chief and the Deputy Chief, pursuant to the 8.17.1 Charter. Given the issues (re: salary inversion and/or establishing the compensation of appointed department heads) that have been raised to and by the Salary Commission, the Fire and Public Safety Commission suggests the following revisions (bracketed text to be deleted, and underlined text to be added) be made to Section 8.17.1 of the Charter:

072511- Reg - Item No. II, K. pgs 1-2

RECEIVED  
CORPORATION COUNSEL  
2011 JUL 15 PM 2:46

“Section 8-17.1. 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 appointed or reappointed each year, except that only one member shall be appointed or reappointed every fifth year. The commission shall determine the [compensation] salary of elected officials and appointed directors and deputy directors of all departments of the county provided, however, in establishing the [compensation] salary of appointed department heads and their deputies, the salary commission shall consult with those boards and commissions which have appointing authority for department heads. Notwithstanding any law to the contrary, in setting the salary of each appointed department head, the salary of each appointed department head shall not be less than any base salary of the any of the appointed department head's subordinates; and the salary of any first deputy or first assistant to the appointed department head of any department shall not exceed a sum equal to ninety-five per cent of the salary of such appointed department head, pursuant to Hawaii Revised Statutes, section 46-24, as amended.”

Thank you for the opportunity to comment in this very important process. The Fire and Public Safety Commission appreciates your time and dedication to the County of Maui and your support of our requests.

Sincerely,

/s/ Mark Vaught

Mark Vaught  
Chair  
Fire and Public Safety Commission

# **RULES OF THE 2011-2012 MAUI COUNTY CHARTER COMMISSION**

(Adopted May 23, 2011)

(Effective June 1, 2011)

(Amended \_\_\_\_\_, 2011)

## **Section 1. Authority and Scope of Rules.**

- Rule 1.1. Effective date of rules.
- Rule 1.2. Force and effect of rules.
- Rule 1.3. Amendment or rescission of rules; new rules.
- Rule 1.4. Suspension of rules.

## **Section 2. Meetings.**

- Rule 2.1. Regular Commission meetings.
- Rule 2.2. Special Commission meetings.
- Rule 2.3. Emergency Commission meetings.
- Rule 2.4. Executive sessions.
- Rule 2.5. Avoidance of improper meetings.
- Rule 2.6. Limitation on duration of recess.

## **Section 3. Quorum; Voting.**

- Rule 3.1. Quorum.
- Rule 3.2. Six votes generally required for Commission action.
- Rule 3.3. (RESERVED)
- Rule 3.4. (RESERVED)
- Rule 3.5. Votes required in committee or subcommittee.
- Rule 3.6. Voting generally required.
- Rule 3.7. Abstention from voting.
- Rule 3.8. Limitations on members' speaking opportunities.
- Rule 3.9. Other voting procedures.

## **Section 4. Officers and Their Duties.**

- Rule 4.1. Commission Chair.
- Rule 4.2. Support Staff.
- Rule 4.3. (RESERVED)

## **Section 5. Committees and Subcommittees.**

- Rule 5.1. Establishment of standing committees.
- Rule 5.2. Purpose of standing committees.
- Rule 5.3. Committee Chair and Vice-Chair.
- Rule 5.4. Committee recommendation generally required.
- Rule 5.5. Discharge of committee's consideration.
- Rule 5.6. Direct referrals.
- Rule 5.7. Subcommittees.

6. Unfinished Business
7. New Business
8. Announcements

**Rule 9.2. Committee and subcommittee meetings.** The order of business for committee and subcommittee meetings shall be determined by the chairs of the committees and subcommittees.

## **SECTION 10. RULES OF PROCEDURE.**

**Rule 10.1. Robert's Rules of Order.** The rules of parliamentary practice set forth in Robert's Rules of Order, Newly Revised, shall govern Commission, committee, and subcommittee meetings in all cases in which they are not inconsistent with law or these rules.

## **Section 11. TESTIMONY; PROTOCOL.**

**Rule 11.1. Acceptance of testimony.** At any meeting (including public hearings), written and oral testimony pertaining to items on the meeting agenda (or hearing notice) shall be accepted as provided herein.

**Rule 11.2. Oral testimony.** For each item on the meeting agenda, oral testimony shall be accepted before the item's discussion period commences. Persons wishing to provide oral testimony shall register with staff prior to testifying. The following procedures shall apply to oral testimony.

A. **Order and duration of testimony.** The Chair shall accept testimony in the order in which testimony forms are submitted. Each testifier shall be allowed to speak for a total of [three] five minutes on [each] all agenda items [item]. [For each item, at the end of three minutes, the Chair may allow a person an additional minute to conclude the testimony on the item. After all registered testifiers have testified once on the item, an additional three minutes per person shall be allowed to those who were unable to conclude the testimony.] An individual's request to testify shall be deemed withdrawn if the individual is not present when called to testify.

B. **Chair decides whether all testimony shall be accepted at beginning of meeting.** The Chair may either: (a) accept testimony on all items prior to the discussion period for any of the items; or (b) accept testimony on each item immediately prior to the discussion period for the item.