

I submit ten (10) topics for Charter Commissioners to review and consider implementing.

1. The Lanai and Molokai Planning Commissions be consolidated into single commissioner represented on the current 9-member Maui Planning Commission. Both Lanai and Molokai to have an Advisory Board, similar to the Hana Advisory Board. Advisory Boards would provide recommendations to the Maui Planning Commission on respective island issues. Proposed realignment ensures policy decision consistencies and saves Maui County travel related expenses. Today, additional electronic means can bridge and communicate neighborhood concerns and dialog, which determine policies and address needs timely and effectively. Neighbor island commissioner attendance may be telecommunication linked (telephone and/or audio-video feed) "live" to Maui Planning Commission meetings.
2. Review various Boards and Commissions for consolidating, thereby streamlining processes and providing taxpayer cost-benefits and "one-shop" quicker and effective decisions and enforcements.
3. Streamline and simplify County Ordinances, Codes and laws. Include illustrations, charts, maps, summary decision case history.
4. Facilitate and increase public access, testimony inputs, and coordinating and sharing of information. Maui County working with State in establishing telecommunication facilities and centers, linking islanders electronically. Proposed neighborhood facilities for Hana, Molokai, Lanai, Lahaina and Pukalani would hub into a Wailuku facility and inturn connect with facilities on Oahu, Hawaii and Kauai. Such a telecommunication networking system would serve State, University, County and community hearings, meetings and forums. Specifics of telecommunication design and facility room-conferencing configurations, operating budget and manpower to be developed and implemented by contributing agencies. Facility could be used by schools, multi-island agency and community meetings, State Legislature Hearings, civil defense and disaster coordinators, Elections officials, public hearings and meetings.
5. Consider including public access guidelines for submitting testimonies, using today's social media such as Twitter, Facebook, Blogging and other Internet based media; excellent and powerful communicating tools. Guidelines outlines respectful submission, presentation time-limits and follow-up Q&As.
6. Increase Maui County representation on State decision making process relating to various economic, education, land uses and transportation developments impacting departments, commissions and boards. Funding decisions and policies have impacted Maui resulting from Oahu decisions of Department of Economic Development & Tourism, Department of Education, Department of Land & Natural Resources and Department of Transportation. Examples: 1) Harbors funding dredging Kahului Harbor depth and planning realignment of Cruise ship docking and passenger traffic away from pier handling hazardous and vital fuels deliveries. 2) Implementing Kahului Airport Master Plan ASAP. 3) Land use issues relating to using Maui conservation, watershed and renewable energy developments and agriculture lands. 4) Redistricting student opportunities, curriculum and staffing and planning school facility developments and maintenance (DAGS is not merged into Maui DOE, but DOE-DAGS merged on Oahu). 5) Identify and reserve mass transit routes (corridors) throughout Maui and develop implementing strategy for reliable delivery of workforces, visitors and products, use renewable power, least intrusive system and design hubs as "local cities" of services and connecting transporting arrangements.

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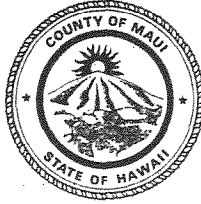
7. Assist in consolidating County and State districting, school servicing and tax-property and political constituent mapping boundaries and Census district delineations. Today, these 'special agency' constructed district determinations are overlapping, confusing and continually reconfigured without transparent publicly accepted rationale.
8. Consider including in "Tool Chest," federal Office of Management and Budget (OMB) Circular A-76 Cost Comparison (Rev.) process for increasing government productivity. Inherently governmental functions performed by in-house workers. However, most government functions and services can be competitively offered to lower than 10% in-house cost performers. Expands opportunities through NISH (National Institute for Severely Handicapped) and commercial entities, offers taxpayers greater "bang for bucks" and assures public functions and services are performed at "least cost" and "most effectively".
9. Define "Residency" with more discriminating qualities. Consider few suggestions, but not limited to these: residential TMK property tax payments (homeowner exemption), voter registered district, Post office box location *or* address of delivered mail, rented lodging for residency, IRS filings. Please review and include discriminating qualities noted in case law decisions. ("Major expenses in neighborhood" would probably make most of us Kahului residents due to our Costco purchases.)
10. Recommend establishing Energy Zoning prescribing renewable power generating installations and providing start-up tax incentives. Geothermal, Ocean Thermal Energy Conversion, Bio-fuels, photovoltaic, wind, hydro and coastal wave power converting facilities need acceptable sites.

Mahalo for your time and services. I will gladly discuss with you these topics.

Respectfully,

Warren S. Shibuya
Home: 878-3778

ALAN M. ARAKAWA
MAYOR



KEITH A. REGAN
MANAGING DIRECTOR

DEPARTMENT OF MANAGEMENT

COUNTY OF MAUI

July 15, 2011

Mr. Joshua Stone
Charter Commission Chairman
c/o Corporation Counsel
200 South High Street
Wailuku, HI 96793

Dear Mr. Chairman:

The County of Maui Management Information Section (MIS) supports the County's web sites. As you know the Charter Commission web page is located at www.mauicounty.gov/chartercommission and contains information related to the commission. This information includes agendas, minutes, a meeting calendar, and related resources. Updates to the web page are communicated to the Management Information Systems (MIS) Division by the Commission Secretary.

MIS is able to support additional web site functionality that may be of value to you as the work of the Commission progresses. These web site services include:

- Online Forms – Interactive forms can be created that enable the public to submit information to the Commission. Submitted data is emailed to one or more recipients and stored in a database for future reference.
- NewsFlashes – The NewsFlash module allows you to send announcements and information via email or text messaging to subscribers. There are a number of NewsFlash categories available at <http://co.mauhi.us/list.aspx>. A specific category could be created for the Charter Commission. NewsFlashes like Calendar events are automatically updated on the County's social media sites (Facebook and Twitter).
- Blog – The blog module is another way to interact with the public. In this module, the submitter would have to register first and then submit comments. A moderator would then review comments before posting to the website. This feature is currently being used by the Mayor at <http://co.mauhi.us/Blog.aspx?CID=1>. It also allows for automatic notification of new postings via email or text messaging.

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The MIS division can provide you with additional information including a demonstration if you are interested in any of these features. Please contact Susan Underwood at 270-7522. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Keith A. Regan', with a large, sweeping flourish extending from the end of the signature.

Keith A. Regan
Managing Director

Cc: Lisa Kahuhu, Charter Commission Secretary

corpcoun - [Possible SPAM] District Voting - REVISION

From: Al Rabold <arabold@hawaii.rr.com>
To: <corpcoun@co.maui.hi.us>, Yuki Sugimura <yukileisugimura@gmail.com>, The Maui News <letters@mauinews.com>, Debra Lordan <editor@mauiweekly.com>, Maui Time Weekly <letters@mauitime.com>
Date: 7/21/2011 10:16 AM
Subject: [Possible SPAM] District Voting - REVISION

The last census indicated that there are approximately 118,000 voting age adults in Maui County. Of those, polls showed that 70% or 82,600 Maui citizens favored a return to district voting. District voting also appears to be favored by the majority of the members of the Maui County Charter Commission.

That said, I've heard that **all nine of our county council members that you elected to represent you** appear to **oppose** district voting. Is it possible that they believe that the collective wisdom of their nine intellects is far greater than the collective wisdom of 82,600 voters? Or is it something more?

How about pure, unadulterated, self-interest and maybe a bit of greed? See, since the current voting system was implemented in 1991 an incumbent council member, with the exception of Wayne Nishiki, has never been defeated. Odds are that unless we change to district voting, all nine will be in office until they reach term limits. Even then, its fairly likely they will be reelected after taking their mandatory two year hiatus! Given that, know that they are the highest paid council members in the state, and each year that they remain on the council, their retirement benefit increases significantly (plus 12% per year?) and they don't have to stand in the unemployment office line.

Who do they represent? You? Themselves? I'd bet all 82,600 of us voters, know what to do about a council that grows a little too big for

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its boots and defies us! Don't we?

Al Rabold
Kula, HI

Charter Commission - Re: [Possible SPAM] Charter Revisions - REVISED ADDING ITEM #12.

From: Al Rabold <arabold@hawaii.rr.com>
To: Maui County Charter Commission <charter.commission@co.maui.hi.us>
Date: 7/21/2011 4:01 PM
Subject: Re: [Possible SPAM] Charter Revisions - REVISED ADDING ITEM #12.

Thank you, Mr. Rabold. Your communication will be added to the Commission's 8/15/11 agenda.

Sincerely,

Lisa A. Kahuhu

>>> Al Rabold <arabold@hawaii.rr.com> 7/19/2011 11:30 AM >>>

Aloha,

Many believe it is imperative that this Charter Commission accept the challenge to take Maui County government back from big business, the bureaucrats and the politicians and return control to the people. That said, it is imperative that the following issues be addressed:

1/. **District Voting** - Last election, 70% of our voters favored district voting. In a show of unadulterated self-interest our council elected not to include a referendum on the ballot in the last election, thereby virtually assuring themselves of re-election for at least two more terms and accumulation of the associated retirement credits. Non-partisan Council elections have unduly restricted representative turnover and thus any hope for meaningful change in the County.

2/. **Candidate Residency Requirements** - The Sol Kohalhala fiasco of the last two years has clearly demonstrated the weakness in our current requirements. If

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this final court challenge is decided against him it will cast doubt on the legality of any issue decided by one vote if the count included him and hence may negate a significant amount of the last council's work! It is imperative that residency must be more clearly defined. It should require the individual to physically reside in the residence claimed for at least 75% of the time available. It should be required to be the address at which all mail is received, both state and federal taxes are paid from and all vehicles are legally registered. The minimum residency required should be two years prior to running for office and during every year of council service. We Kula people still resent Gladys Baisa claiming to be an Upcountry resident. We need to stop the carpet bagging.

3/. **Council Term Limits** - We limit our governor and our mayor to finite term limits yet we allow renewing term limits after a one term break for our council members. Why? The arguments mounted supporting gubernatorial and mayoral limits are even more imperative for the council and they have a far more direct impact on our lives. Set the limit to match the total time allotted to the others, ie 8 years (4 council terms) and out for good!

4/. **Mayoral Office Assistants** - The number of assistants to the mayor has gotten out of hand. Charmaine Tavares took it to absurd heights with 19. The salaries are paid for by the county therefore the county should put a maximum total budget limit on assistants to more predictably control the budget.

4/. **Board of Ethics** - Sitting government officials should not be allowed to attend meetings or hearings except by subpoena.

5/. **Cost of Government Commission** - The commission should be charged with performing an on-going study of the cost of government for similar sized communities across the US and assure that our spending is not out of line by comparison.

6/. **Liqueur Control Commission** - Do away with it. It's become an on-going joke on Maui and lacks any semblance of respect by the people!

7/. **Police Commission** - The Police Commission should be charged with overseeing ALL police functions, be charged with holding disciplinary hearings for officers, have the power to order investigations of suspect events, make recommendations for selections of the chief and approve promotion of officer through the ranks.

8/. **Real Property Tax Review Commission** - They should be required to have an on-going physical appraisal program desired to assess values in every neighborhood at a specified period.

9/. **Salary Commission** - The Salary Commission is completely out of hand and needs to be checked. They should be charged with running an on-going survey of salaries of similar sized communities across the US and precluded from approving any salaries that are out of line without just

cause. It's absolutely absurd that Maui Council is paid significantly more than Oahu when the population ratio approaches 2:1. Put officials should be precluded from attending any meetings uninvited.

10/. **Maui Visitor's Bureau** - The Visitor's Bureau of every other island in Hawaii gets by with only the state provided funding. Maui County should be precluded from providing additional funds.

11/. **Non-profit Organizations** - Same as item 10. Many of the supported non-profits assist special interest segments of the community and that is arguably flat illegal!

12/. **Referendum Petitions** - A citizen initiated charter referendum petition currently requires the signature of 20% of the registered voters in a county that can only turn out about 35% of its registered voters for a general election. This is entirely too high. Only Kauai is the same. Hawaii is 15% and Honolulu is only 10%. A quick search of the internet reveals that most mainland communities require 5 to 7% of its registered voters to sign the petition. Why should it be harder for Maui voters than it is for those of most other communities?

Al Rabold
Kula, HI
808-878-8525

Butch Gima
POB 630400
Lanai City, HI 96763-0400
Bg325@hotmail.com

July 27, 2011

Joshua Stone, Chair
Charter Commission
County of Maui
200 S. High St.
Wailuku, HI 96793

Dear Chair Stone,

Thank you again, for the opportunity to testify before the Charter Commission. Per the Commission's request, I am submitting a summary of my oral testimony.

I testified to two items for the Commission to consider:

Strengthening the residency requirements of elected office

I testified to this issue having been a plaintiff in two proceedings (Circuit Court and Board of Voter Registration) involving Sol Kaho'ohalahal and Riki Hokama, both of whom are not Lanai residents. Enormous amounts of time and money were spent by plaintiffs, defendants and the County of Maui in defending both County Clerks.

In spite of John Ornellas' testimony that state statutes supersede County statutes, I strongly recommend that the Commission include stronger language to tighten up the residency requirements. In part, to avoid litigation for all parties but primarily to convey the importance of having candidates RESIDE in the district they're representing.

There will never be an airtight statute as enforcement or lack thereof, and ability and willingness to litigate will affect a potential candidate's decision to run.

Please note that the current statute (intent to return) is too vague, too abstract and almost impossible to enforce.

Without stronger, concrete, measurable criteria carpetbaggers will continue to run from outside their district. Ultimately it will waste money, resources and time better spent elsewhere

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CORPORATION COUNSEL

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Opposition to redistricting

I emphatically oppose redistricting. I do so even knowing that the status quo still places Lanai and Molokai candidates at a disadvantage when campaigning.

The proposed redistricting proposals marginalizes voters and constituents in Hana, Molokai and Lanai. Prior and current "canoe districting" does not work in the Legislature. Quite often when budgets were cut, travel budgets for the canoe districts were disproportionately cut leaving constituents in those districts un- or underrepresented.

I feel it is your commission's responsibility to determine why the push for redistricting before acting on it. Unless it can be shown that the status quo is not meeting the representation needs of the county then it should not be changed. As much as everyone want equal representation, our tri-isle county can realistically only expect equitable representation.

As I testified to, in the event that you are compelled to amend the Charter, please consider the checks and balances system of our U.S. Congress. Accordingly, a proposal to have 6 council members and 3 "senators"; one each from Molokai, Maui & Lanai would serve a similar checks and balances system.

Thank you for considering my testimony.

Sincerely,

A handwritten signature in black ink, appearing to be "Butch Gima", written over the printed name.

Butch Gima

Charter Commission - Amendment to the charter

From: Steve Goldsmith <stevegoldsmit77@gmail.com>
To: <charter.commission@co.maui.hi.us>
Date: 7/28/2011 2:16 AM
Subject: Amendment to the charter

Dear members of the Charter Commission,

I am on the mainland and was unable to testify before you in Kihei on Monday. Not back on Maui until August 10th. Here is my request/suggestion/testimony:

Change the structure/organizational chart of Maui County to have a combined County Council that includes the Mayor on it and have a professional County Manager that runs the county who serves at the pleasure of the entire Council that includes the Mayor and will last through elections if they are doing their job well.

I am a former member of the Cost of Government Commission. EVERY bottom line potential fix to a problem ended up with us saying the structure of the management of Maui County had to change.

My term started just as Mayor Tavares took office. It seems like she and her County manager were running around like chickens with their heads cut off, and it took the good part of the first year for them to get it together. What I am suggesting is running the county professionally, not politically as is done in many other cities and counties.

Have the County Council be one group, headed by the mayor, but sitting in the same room. NO separate staffs and fiefdoms. We suggested having a representative for Maui County go to the state legislature and lobby for us and for funding. We were shocked to find out that shortly thereafter, BOTH the Mayor's office AND the County Council each sent a rep, who sometimes didn't agree with each other!!! How ludicrous. So my first request is to have an amendment to the charter to eliminate the mayors staff and have one COMBINED county council with the Mayor as head. I spoke with Mayor Arakawa before he was elected and he agreed the current system is inefficient and he is open to this idea.

By having a County Council that included the mayor, we would save money on staff, increase communications and create a structure for suggestion #2: Have a professional County Manger that served at the pleasure of the COUNCIL, not just the mayor, to increase the odds he/she wasn't fired every time there was a Mayoral election. Then the Mayor and the entire Council TOGETHER make macro policy decisions while the County Manager carries them out. He/she will survive administrations and will be able to do it more effectively and smoothly. The County Manager will then appoint County Department heads, perhaps with the approval of council. No more changing department heads every time there is a new Mayor. More insanity. Let's start running Maui County professionally, efficiently, and remove some of the politics.

This idea can GREATLY increase the efficiency of Maui County and save us MILLIONS of dollars while serving residents better.

Feel free to contact me with any questions. Thank you for your service.

Aloha,
 Steve Goldsmith

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Charter Commission - The question of a cooperative Board & Department of Water Supply July 31, 2011

From: Thomas Craig <tacraig@hawaii.edu>
To: TheMauiNews letters <letters@mauinews.com>, County Clerk <county.clerk@mauicounty.us>, County of Maui Charter Commission <charter.commission@mauicounty.gov>
Date: 7/31/2011 3:14 PM
Subject: The question of a cooperative Board & Department of Water Supply July 31, 2011
CC: Mayor Arakawa <Mayors.Office@co.maui.hi.us>, "Danny A. Mateo" <danny.mateo@mauicounty.us>, Joseph Pontanilla <joseph.pontanilla@mauicounty.us>, "Gladys C. Baisa" <gladys.baisa@mauicounty.us>, Robert Carroll <robert.carroll@mauicounty.us>, Elle Cochran <elle.cochran@mauicounty.us>, "Donald G. Couch, Jr." <don.couch@mauicounty.us>, "G. Riki Hokama" <riki.hokama@mauicounty.us>, "Michael P. Victorino" <michael.victorino@mauicounty.us>, Mike White <mike.white@mauicounty.us>

The question of a cooperative Board & Department of Water Supply

July 31, 2011

I have offered testimony for a more autonomous Board and Department of Water Supply in years past with little no acknowledgement but will offer it again here because I feel it is still an important idea currently worth due consideration by the County Charter Commission...

If we were to change the selection process of members of Board of Water Supply to a more democratic process whereby a majority of five of the nine members would be elected at large by the voters at general elections and whereby the elected Mayor would appoint two and the elected County Council would appoint two to create a council/board of nine water resource managers. Empowered by the electorate and directly responsible to the community's water resource management needs, all nine Board of Water Supply members would be given one vote and the authority and responsibility to hire/fire professional Department of Water Supply Director and Deputy Director, to set (or recommend) water rates and to manage the county's water resources and assets in the interest of long-term sustainability of the community, the ecology and posterity.

This model would essentially create a utility that was a community owned, democratically controlled cooperative, more directly responsible to the community's water resource management needs and less vulnerable to political ambitions. On the timescale of sustainability, short-sighted politics and political ambitions do not always mix well with the community's long-term water and energy resource conservation needs.

"Toma" Thomas Allen Craig

Makawao, Maui, Hawaii

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Charter Commission - Charter changes

From: Ian Ballantyne <balstad1@yahoo.com>
To: <charter.commission@mauicounty.gov>
Date: 8/2/2011 2:56 PM
Subject: Charter changes
Attachments: Charter Commission on Commissions.doc; Charter commission on elections.doc

Aloha,

Thank you for coming out to Hana and listening to our concerns a few weeks ago.

I promised to send my verbal comments in writing regarding bringing the various independent commissions under the Mayor's office and the timing between elections and here they are in 'word' attachments.

If you require further comments or clarification please do not hesitate to contact me.



Ian Ballantyne

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COMMISSIONS TO BE UNDER THE MAYOR'S OFFICE

There is a danger that under the Mayor's office, if we elect a bad Mayor, we will have a few years of bad policy but this is changeable by the electorate at the next election. At present there is no way to change bad policies at the independent commissions.

Liquor commission views

Needs additional layer of supervision/ appeal process from the Mayor's office.

There are many outrageous rules that stifle.

Examples:

Only place in the world where one cannot dance if there is a liquor license.

Only place in the world where one cannot taste wine in a wine store.

Only place in the world where one cannot sell alcoholic beverages below cost. There are times when a wine is starting to turn because it is too old. Owner needs to sell quickly as wine will be unsellable within a few months. Better to sell at, say, half price to get something back rather than have to trash it.

Only place in the world where one cannot legally return a bottle of wine because it is 'corked'. Reason is, as above, it is illegal to have an opened bottle of an alcoholic beverage in a liquor store. Also it is illegal for the seller to taste it to check that it is bad (as per no wine tasting, as above).

Following from above it is also illegal for a store wine buyer to taste any new wine before purchase. Buyer is expected to take the seller's word that it is a good wine.

All above have been put before the commission to be reasonable and change the laws but nothing ever happens.

Cost of liquor license is a % of sales which makes it extremely expensive compared to operating a liquor store in other States. All money collected goes to running the commission. This has lead to an extremely bloated organization that has so many employees that each liquor store can be visited to check for violations every week. This is an excessive number. Owners are basically good law abiding citizens or not. It is very easy to find this out after the first 4 or 5 inspections.

People do not change and if a person is basically law abiding they are not going to change and/or risk their livelihood by breaking the regs. They need to be left alone to run their business and try to make a living.

Under the Mayor, office the cost of the license could be reduced by 25%, the size of the liquor commission substantially reduced and the excess license fees brought through to the general fund. A win – win for the public and the County.

Police commission

Needs additional layer of supervision/ appeal process from the Mayor's office.

The recent debacle with Maui Time newspaper shows the need for an appeal process. There are numerous other examples of police behavior which are bringing us to the forefront as a Police state. An appeals process with the Mayor's office seems to be a great first step.

Charter commission

EXTEND ELECTIONS TO ONCE EVERY 5 YEARS.

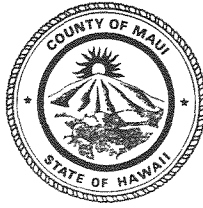
When the present law was passed the small amount spent and the short time campaigning made sense. I am guessing that campaigns started approx 4 months before elections so 20 months of each elected period was spent on governing i.e. 84%. Equally cost of an election was small as there was no postal vote and a small electorate. Today we have prospective candidates for office campaigning 12 months in advance i.e. only 50% available time for governing. Cost of each election is very high.

A change to once every 5 years would leave 80% of each elected period free to govern and would result in less voter frustration at having to listen to campaigns 50% of the time and this might result in greater turnout at elections.

A further benefit is that today's society is vastly more complex than previous and it takes a couple of years for a new incumbent to learn the ropes. Let us give them a time to learn and a time to act. Just ask Mayor Arakawa and he will surely verify this.

August 2011

ALAN M. ARAKAWA
MAYOR



200 South High Street
Wailuku, Hawai'i 96793-2155
Telephone (808) 270-7855
Fax (808) 270-7870
e-mail: mayors.office@mauicounty.gov

OFFICE OF THE MAYOR

Ke'ena O Ka Meia
COUNTY OF MAUI – Kalana O Maui

August 5, 2011

Josh Stone, Chair
Maui Charter Commission
200 S. High Street
Wailuku, Hawaii 96793

Dear Chair Stone:

**SUBJECT: ADMINISTRATIONS PROPOSED AMENDMENTS TO THE MAUI
COUNTY CHARTER**

Thank you for all of your time, sacrifices, and hard work with regards to the Maui County Charter.

The administration respectfully submits the proposed amendments to the 2003 Revised Charter of Maui County (see, Attachment "A"). We are also submitting this letter and associated attachments as testimony in support of these amendments and request review and consideration by the Maui County Charter Commission ("Commission"). These proposed Charter amendments are fully supported by our administration.

Please know that we are more than willing to provide the Commission with unrestricted access to County personnel and documentation in order to assist in its decision making. We are excited by this year's Charter review and look forward to working with the Commission to create a better future for Maui County.

We thank you again for considering our requests and are ready to work with you to make them a reality. Please contact David Ching at 270-7210 or via email at david.ching@co.maui.hi.us for assistance with staff or documentation.

Sincerely,


ALAN ARAKAWA
MAYOR

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COUNTY OF MAUI
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08/15/11 - Item No. II.I. pgs. 1-28

ATTACHMENT “A”

The administration respectfully submits the following proposed amendments to the 2003 Revised Charter of Maui County:

Added material is underscored; deleted material bracketed with strike-through.

PROPOSAL NO. 1

ARTICLE 3 – COUNTY COUNCIL SECTION 3-2. ELECTION OF COUNCIL AND TERM OF OFFICE.

Proposed Amendment:

Change terms of office from a two (2) year term to a four (4) year term. Stagger the terms.

- Highest four (4) vote getters at the next election will serve four (4) years.
- Bottom five (5) vote getters will serve two (2) years.
- This would start the rotation of terms.
- Not to serve more than two (2) consecutive full terms
- Not to serve more than a total of twelve (12) years or three (3) full terms.

Reasons:

- Additional comments will be submitted at, or prior to, any hearing on this matter.

PROPOSAL NO. 2

SECTION 3-9 OFFICE OF THE COUNTY AUDITOR

Proposed Amendment:

Establish an office of the County Auditor.

Reasons:

- Additional comments will be submitted at, or prior to, any hearing on this matter.

PROPOSAL NO. 3

ARTICLE 8 – COUNTY DEPARTMENTS CHAPTER 7 – DEPARTMENT OF FIRE & PUBLIC SAFETY

Proposed Amendment:

Section 8-7.4. Powers, Duties, and Functions. The fire chief shall:

1. Be the administrative head of the department.
2. Provide and perform fire fighting, rescue, **including ocean safety and rescue**, and first-responder emergency services in order to save lives and property from fires and other emergencies arising on land, sea, and hazardous terrain, including the mitigation and stabilization of hazardous materials and incidents relating to the same.
3. Provide public education programs related to fire prevention and public safety.
4. Train, equip, maintain, and supervise the force of fire fighting and emergency rescue personnel, **including any reserve fire fighting and emergency rescue personnel**.
5. Investigate the cause, origin and circumstances of fires.
6. Adopt rules relating to the protection of persons and property against fires.
7. Monitor the standards for construction and occupancy of buildings for the purposes of fire prevention and life safety and approve building plans as provided by law.
8. Exercise such other powers and duties as may be assigned by the commission or as may be provided by law. (Amended 2002, 1992, 1984)

Reasons:

Moving Ocean Safety and Rescue under the Fire Department

- Additional comments will be submitted at, or prior to any hearing on this matter.

Reserves:

- Across the country, fire departments are utilizing volunteer or reserves when needed. Such reserves are highly trained and are required to go through the same or similar hiring process and training as regular officers. The benefit – they are volunteers (not paid). Such reserve officers could be utilized during emergencies (tsunami or brush fires)

PROPOSAL NO. 4

ARTICLE 8 – COUNTY DEPARTMENTS CHAPTER 12 - DEPARTMENT OF POLICE

Proposed Amendment:

Section 8-12.4. Duties and Functions of the Chief of Police. The chief of police shall:

1. Be the administrative head of the department of police.
2. Be responsible for the preservation of the public peace, prevention of crime, detection and arrest of offenders against the law, protection of rights of persons and property, and enforcement and prevention of violations of all laws of the State and ordinances of the county and all rules made in accordance therewith.
3. Be responsible for traffic safety and traffic safety education.
4. Train, equip, maintain and supervise the force of police officers, **a force of reserve police officers**, and employees of the department.
5. Have such other powers and duties as may be assigned by the mayor or as may be provided by law.

Reasons:

- In states and counties across the country, police departments are utilizing volunteer or reserve police officers when needed. Such reserve police are highly trained and are required to go through the same or similar hiring process and training as regular officers. The benefit – they are volunteers (not paid).
- Such reserve officers could be utilized during potential catastrophic emergencies (tsunami or flooding) or other events throughout the year needing additional assistance for crowd and traffic control (parades, county fair, fireworks shows, concerts, First Friday, Halloween on Front Street) which can be hard upon the police department because unusually large numbers of officers are needed for a short period of time. Reserve officers can allow communities and police departments to have the assistance of volunteers without the huge expense of hiring an extra 40 police officers just for one or two events per month.
- Allowing residents to volunteer and participate in County issues will help with instilling a sense of responsibility to keep Maui County safe.
- A reserve program can also be utilized to assist with recruitment of non-volunteer officers.

PROPOSAL NO. 5

CHAPTER 16—COST OF GOVERNMENT COMMISSION SECTION 8-16.3. TERM OF COMMISSION.

Proposed Amendment:

Members of the Cost of Government Commission shall serve for staggered terms of five (5) years. A member may be reappointed, but shall not serve on the Commission for more than a total of ten (10) years.

Reasons:

- Additional comments will be submitted at, or prior to, any hearing on this matter.

PROPOSAL NO. 6

ARTICLE 9—FINANCIAL PROCEDURES

Proposed Amendment:

Go from an annual budget to biennial budget. Biennial budget to begin in a non-election year.

Reasons:

- Additional comments will be submitted at, or prior to, any hearing on this matter.

PROPOSAL NO. 7

ARTICLE 10 - CODE OF ETHICS

Proposed Amendment:

Section 10-3. Financial Disclosure.

1. All elected county officers, all candidates for elective county office, and such appointed officers or other employees as the council shall designate by ordinance shall file with the board of ethics and the county clerk financial disclosure statements **as required by provisions of this Article, the Maui County Code and Maui County Rules of the Board of Ethics** in a form or forms to be prescribed by the board of ethics. Such financial disclosure statements shall be open to public inspection.

Reasons:

- **Section 10-3 (1)** requires all elected county officers, all candidates for elective county office, and such appointed officers or other employees as the council shall designate by ordinance shall file financial disclosure statements. Unlike the Code and Rules of the Board of Ethics, the Charter does not provide specifics.
- **Section 10-5** provides penalties for “any person who violates the provisions of **this Article . . .**” Penalties for violations of Charter provisions are limited, unless it requires disclosure and reports of the more specific requirements provided by the Rules of the Board of Ethics.

PROPOSAL NO. 8

ARTICLE 13 – GENERAL PROVISIONS SECTION 13-2, SUBSECTION 17

Proposed Amendment:

Within thirty (30) days [~~of the occurrence of a vacancy~~] **upon the date of informing the Council of a vacancy** the Mayor shall submit to the Council the name of the Mayor's nominee to fill the vacancy...

Reasons:

- The current language is too broad and does not clearly define what point the Mayor's thirty (30) day clock to fill the vacancy begins. For example, the current Council (2011) believes the thirty (30) days begins when the Mayor's office receives the resignation letter. However, the former Mayor on January 31, 2008 requested the Council to allow her to fill the board/commission vacancies that were not submitted to the Council by the thirty (30) day deadline as prescribed with the current language.

The Council granted her request and chose not to exercise their authority under the Charter which states; "If the Mayor fails to submit the name of a nominee within the times provided for herein, the Council may within sixty (60) days nominate and approve the appointment of an individual to fill the vacancy".

The proposed language provides more specifically and removes any doubt when the thirty (30) day clock begins for the Mayor to submit his nominations to the Council.

PROPOSAL NO. 9

CHAPTER 15—DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Proposed Amendment:

CHAPTER 15 – DEPARTMENT OF **SUSTAINABILITY AND** ENVIRONMENTAL MANAGEMENT

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. **Guide efforts to maximize opportunities for natural resource protection, conservation and restoration.**
5. **Coordinate and develop policies and initiatives that integrate sustainable resource development, support local food and energy production, and establish partnerships with agencies and organizations to implement programs, policies, and projects that promote sustainability.**
6. Perform such other duties and functions as shall be assigned by the Mayor.

Reasons:

- Pursuant to a ballot measure in 2006, the Department of Public Works and Environmental Management was separated into two departments. At the time, Councilmembers supporting the proposal noted that the department's responsibility was broad and its budget was about \$111.6 million annually, or about 25 percent of the county budget. Dividing the department would allow administrators and workers to focus on their tasks and permit more planning in the future.
- The new Department of Environmental Management now is comprised of two divisions:
 - Solid Waste Division (also includes Office of Recycling)
 - Wastewater Reclamation Division
- There exists the bureaucratic structure to support a third division, possibly named: **Division of Sustainability and Environmental Protection**
- The Charter does not specifically delineate divisions and offices within departments. Rather, it describes the Powers, Duties, and Functions of the department director. To support such a new division and focus, we could propose amending the section to add language describing new functions to be performed.

- There is nothing precluding the Mayor and Budget Director from proposing to create this new division right now. Renaming the Department makes it more significant and noticeable than just changing language in the Powers, and Functions section of the chapter.
- These are forward-thinking measures (sustainability, resource protection) that will only become more important to us in the future. Forward-thinking communities (Portland, Seattle, CA cities) already have Offices of Sustainability in their bureaucratic structure. We would be wise to do likewise, and make a strong sales pitch for the benefits of Green Economy initiatives, which keep our dollars here in the islands and create jobs and business opportunities.

PROPOSAL NO. 10

Proposed Amendment:

Amend Article 8 County Departments, Chapter 1 Department of Management, Section 8-1.1. Organization. to read: "There shall be a department of management consisting of a managing director, **deputy managing director** and the necessary staff."

Reasons:

- Additional comments will be submitted at, or prior to, any hearing on this matter.

PROPOSAL NO. 11

Proposed Amendments:

Amend Article 8 County Departments, Chapter 3 Department of the Prosecuting Attorney, Section 8-3.3. Powers, Duties and Functions. 1. to read: Appoint such deputy prosecuting attorneys, and necessary staff, including investigators who shall have all the powers and privileges of a police officer of the county, as shall be authorized by the council. Deputy prosecuting attorneys shall be from civil service and shall serve at the pleasure of the prosecuting attorney.

Insert new part to Article 8 County Departments, Chapter 3 Department of the Prosecuting Attorney, Section 8-3.3. Powers, Duties and Functions. 8. to read: Prosecute offenses against the laws of the State under the authority of the attorney general of the State.

Reasons:

See, Attachment "B" (Memorandum dated June 27, 2011 from John D. Kim, Prosecuting Attorney to Keith A. Regan, Managing Director)

PROPOSAL NO. 12

ARTICLE 8 COUNTY DEPARTMENTS

Proposed Amendments:

Amend Article 8 County Departments, Chapter 9 Department of the Personnel Services, Section 8-9.4. Civil Service Commission. 1. to read: Adopt rules having the force and effect of law to carry out [the] applicable provisions of the civil service laws [of the State.] as prescribed by the Hawaii Revised Statutes.

Insert new part to Article 8 County Departments, Chapter 9 Department of the Personnel Services, Section 8-9.3. Powers, Duties and Functions. 4. to read: Adopt rules having the force and effect of law to carry out the provisions of the civil service laws of the State.

Reasons:

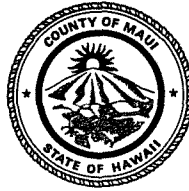
See, Attachment "C" (Memorandum dated June 28, 2011 from Lance T. Hiromoto, Director Department of Personnel Services to Alan M. Arakawa, Mayor)

Attachment "B"

Memorandum dated June 27, 2011 from John D. Kim, Prosecuting Attorney to Keith A. Regan, Managing Director

Attachment "B"

ALAN M. ARAKAWA
Mayor



JOHN D. KIM
Prosecuting Attorney

ROBERT D. RIVERA
First Deputy Prosecuting Attorney

RECEIVED

2011 JUN 29 AM 10:01


OFFICE OF THE MAYOR

DEPARTMENT OF THE PROSECUTING ATTORNEY
COUNTY OF MAUI
150 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
PHONE (808) 270-7777 • FAX (808) 270-7927

June 27, 2011

MEMORANDUM:

TO: Keith A. Regan
Managing Director

FROM: John D. Kim 
Prosecuting Attorney

RE: Proposed Charter Amendments

We have proposed two amendments to the charter regarding the powers, duties and functions of the office. They are highlighted and underlined, please see the enclosure. We have also enclosed copies of charters of other counties with the appropriate sections outlining the powers, duties and functions of the other prosecuting attorneys.

The first amendment comes from similar language contained in the Charter of the City and County of Honolulu. It give police powers to the investigators in our office. This amendment is not a priority and I would note that there is a provision in our Maui County Code which empowers our investigators with police powers. This amendment would supply a basis for that ordinance.

The second amendment is more of a priority as every county in the state contains this language. That is to say, we as Maui County Prosecutors prosecute crimes under the authority granted by the Attorney General of the State of Hawaii. This proposed amendment is more than a housekeeping matter that clearly define the authority of the Office of the Prosecuting Attorney, it is an explicit declaration of the authority to prosecute offenses committed against the laws of the State of Hawaii.

JDK:kym
Enclosures

County of Maui

CHAPTER 3

DEPARTMENT OF THE PROSECUTING ATTORNEY

Section 8-3.1. Organization. There shall be a department of the prosecuting attorney consisting of a prosecuting attorney and the necessary staff.

Section 8-3.2. Prosecuting Attorney. The prosecuting attorney shall be appointed by the mayor with the approval of the council and may be removed by the mayor with the approval of the council. The prosecuting attorney shall be an attorney licensed to practice and in good standing before the Supreme Court of the State and shall have engaged in the practice of law for at least three years.
(Amended 1992)

Section 8-3.3. Powers, Duties and Functions. The prosecuting attorney shall:

1. Appoint such deputy prosecuting attorneys, and necessary staff, including investigators who shall have all the powers and privileges of a police officer of the county, as shall be authorized by the council. Deputy prosecuting attorneys shall be exempt from civil service and shall serve at the pleasure of the prosecuting attorney.
2. Attend all courts in the county and conduct, on behalf of the people, all prosecutions therein for offenses against the laws of the State and the ordinances and rules of the county.
3. Appear in every criminal case where there is a change of venue from the courts in the county and prosecute the same in any jurisdiction to which the same is changed or removed.
4. Institute proceedings, or direct the chief of police to do so, before a judge of a court of competent jurisdiction for the arrest of persons charged with or reasonably suspected of public offenses when the prosecuting attorney has information that any such offenses have been committed, and for that purpose take charge of criminal cases before a judge of a court of competent jurisdiction, either in person or by a deputy or by such other prosecuting officer as the prosecuting attorney shall designate.
5. Draw all indictments and attend before the grand jury whenever cases are presented to it for its consideration. Nothing herein contained shall prevent the conduct of proceedings by private counsel before a judge or courts of record under the direction of the prosecuting attorney.
6. Prosecute administrative violations of the liquor laws before the board of liquor adjudication.
7. Perform such other duties and functions as shall be assigned by the mayor.
8. Prosecute offenses against the laws of the State under the authority of the attorney general of the State.

City and County of Honolulu

Section 8-104. Powers, Duties and Functions³² --

The prosecuting attorney shall:

(a) Attend all courts in the city and conduct, on behalf of the people, all prosecutions therein for offenses against the laws of the state and the ordinances and rules and regulations of the city.³³

(b) Prosecute offenses against the laws of the state under the authority of the attorney general of the state.³⁴

(c) Appear in every criminal case where there is a change of venue from the courts in the city and prosecute the same in any jurisdiction to which the same is changed or removed. The expense of such proceeding shall be paid by the city.

(d) Institute proceedings before the district judges for the arrest of persons charged with or reasonably suspected of public offenses, when the prosecuting attorney has information that any such offenses have been committed, and for that purpose, take charge of criminal cases before the district judges either in person or by a deputy or by such other prosecuting officer or in such other manner as the prosecuting attorney shall designate with approval of the district court or in accordance with statute; draw all indictments and attend before and give advice to the grand jury whenever cases are presented to it for its consideration;³⁵ and investigate all matters which may properly come before the prosecuting attorney. Nothing herein contained shall prevent the conduct of proceedings by private counsel before courts of record under the direction of the prosecuting attorney.³⁶

(Reso. 78-279, 83-357 and 84-197)

³²

Subpoena powers of prosecuting attorney are a matter of statewide concern and are limited to those authorized in HRS Section 28-2.5. Marsland v. First Hawaiian Bank, 70 Haw. 126, 764 P.2d 1228 (1988).

³³

Prosecuting attorney is not authorized by law to bring a civil action to abate a nuisance. Marsland v. Pang, 5 Haw. App. 463, 701 P.2d 175 (1985).

³⁴

The phrase "under the authority of the attorney general" is a recognition of the attorney general's status as the State's chief law enforcement officer and cannot sensibly be construed as a reservation of power to usurp, at the attorney general's sole discretion, the functions of the public prosecutor. The attorney general may supersede the public prosecutor in the event of serious dereliction of duty to act or in the unusual case of serious impropriety should the prosecutor choose to act. Amemiya v. Sapienza, 63 Haw. 424, 629 P.2d 1126 (1981).

³⁵

The term "attend before and give advice to the grand jury" merely describes a general function and does not affect the manner in which the grand jury investigatory and indictment process is to be conducted, or require instruction on such items as the availability of defenses. State v. Freedle, 1 Haw. App. 396, 620 P.2d 740 (1980). See also State v. Bell, 60 Haw. 241, 589 P.2d 517 (1978).

³⁶

Private counsel retained by prosecuting attorney may be supervised by a duly appointed deputy. Okuda v. Ching, 71 Haw. 140, 785 P.2d 943 (1990).

(As of February 20, 2001)

Section 8-105. Staff --

1. The prosecuting attorney may appoint deputies, administrative or executive assistants, and other necessary staff, including investigators who shall have all the powers and privileges of a police officer of the city.

2. At the request of the prosecuting attorney, one or more officers of the police department may be

detailed by the chief of police for the purpose of doing necessary investigative work, and such police officers shall continue to serve on such a detail during the pleasure of the prosecuting attorney and as long as the necessity of such detail exists.

3. The deputy who is designated as first deputy shall, during the temporary absence or disability of the prosecuting attorney, assume the power and perform the duties of the prosecuting attorney.

(Reso. 78-279 and 84-197; 1992 General Election Charter Amendment Question No. 12)

Hawaii County

Section 9-3. Powers, Duties and Functions.

(a) The prosecuting attorney shall:

(1) Attend all courts in the county and conduct on behalf of the people all prosecutions therein for offenses against the laws of the State and the ordinances and regulations of the county.

(2) Prosecute offenses against the laws of the State under the authority of the attorney general of the State.

(3) Appear in every criminal case where there is a change of venue from the courts in the county and prosecute the same in any jurisdiction to which the same is changed or removed. The expense of such proceeding shall be paid by the county.

(4) Institute proceedings, or direct the chief of police to do so, before the district judges for the arrest of persons charged with or reasonably suspected of public offenses, when the prosecuting attorney has information that any such offenses have been committed, and for that purpose take charge of criminal cases before the district judges, either in person or by a deputy or by such other prosecuting officer as the prosecuting attorney shall designate.

(5) Draw all indictments and attend before and give advice to the grand jury whenever cases are presented to it for its consideration. Nothing herein contained shall prevent the conduct of proceedings by private counsel before district judges or courts of record under the direction of the prosecuting attorney.

(6) Investigate all matters which may properly come before the prosecuting attorney.

(b) The prosecuting attorney may:

(1) Research, evaluate, and make recommendations regarding crime, crime prevention, and the criminal justice system to the governor, the legislature, the judiciary, the council, the mayor, the Hawai'i police department and other criminal justice agencies, or the general public, as the prosecuting attorney deems appropriate.

(2) Provide crime prevention training programs for law enforcement agencies, citizens, businesses, and civic groups.

(3) Develop public education programs through various broadcast or print media, to provide the general public information that will assist citizens in developing the knowledge and confidence to prevent crime and to avoid being victims of crime.

(4) Receive and expend financial grants, donations and other funds as permitted by the provisions of the revised charter, county ordinances and applicable county, state, and federal financial and budget policies for crime research, prevention, and education.

(1979, Prop. 13; 1990, Prop. 14, sec. 1; 2010, Prop. 13, sec 1.)

Section 9-4. Staff.

The prosecuting attorney may appoint deputies and other necessary staff. The deputy who is designated as first deputy shall, during the temporary absence or disability of the prosecuting attorney, assume the power and perform the duties of the prosecuting attorney.

County of Kauai

Section 9A.03. Powers, Duties and Functions. The prosecuting attorney shall:

A. Attend all courts in the county and conduct on behalf of the people all prosecutions therein for offenses against the laws of the State and the ordinances and regulations of the county.

B. Prosecute offenses against the laws of the State under the authority of the Attorney General of the State.

C. Appear in every criminal case where there is a change of venue from the courts in the county and prosecute the same in any jurisdiction to which the same is changed or removed. The expense of such proceeding shall be paid by the county.

D. Institute proceedings, or direct the chief of police to do so, before the district judge for the arrest of persons charged with or reasonably suspected of public offenses, when he has information that any such offenses have been committed, and for that purpose take charge of criminal cases before the district judge, either in person or by a deputy or by such other prosecuting officer as he shall designate.

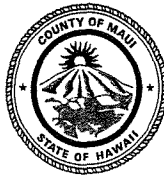
E. Draw all indictments and attend before and give advice to the grand jury whenever cases are presented to it for its consideration. Nothing herein contained shall prevent the conduct of proceedings by private counsel before all courts of the State under the direction on the prosecuting attorney. (Amended 1972)

Section 9A.04. Staff. The prosecuting attorney may appoint deputies, investigators, and other necessary staff. The deputy who is designated as first deputy shall, during the temporary absence or disability of the prosecuting attorney, assume the power and perform the duties of the prosecuting attorney. (Amended 1972)

Attachment "C"

Memorandum dated June 28, 2011 from Lance T. Hiromoto, Director
Department of Personnel Services to Alan M. Arakawa, Mayor

ALAN M. ARAKAWA
Mayor



LANCE T. HIROMOTO
Director

DAVID J. UNDERWOOD
Deputy Director

RECEIVED

2011 JUN 28 PM 12:20


COUNTY OF MAUI
DEPARTMENT OF PERSONNEL SERVICES **OFFICE OF THE MAYOR**

200 S. HIGH STREET • WAILUKU, MAUI, HAWAII 96793-2155
PHONE (808) 270-7850 • FAX (808) 270-7969

Website: www.mauicounty.gov/departments/Personnel • Email: personnel.services@mauicounty.gov

June 28, 2011

To: Alan M. Arakawa
Mayor

From:  Lance T. Hiromoto, Director
Department of Personnel Services

Subject: Proposal to Amend the Maui County Charter

We are in receipt of the Maui County Charter Commission's request for proposed charter amendments and Managing Director Keith Regan's request that any proposed amendments be submitted to you for review and possible inclusion in the administration's overall proposal. In response to these requests, we submit two housekeeping amendments prompted by changes to the civil service law in Chapter 76 of the Hawaii Revised Statutes, and one general suggestion to align charter language among several departments.

Background:

Hawaii Revised Statutes (HRS) §76-17 authorizes the director of human resources to prescribe rules and regulations to carry out the civil service laws of the state which shall have the force and effect of law.

Prior to July 1, 2002, HRS §76-17 vested this authority only to the state Director of Personnel Services. The equivalent rule-making authority for the counties was vested to the county civil service commissions pursuant to HRS §76-78.

Effective July 1, 2002, HRS §76-78 was repealed by Act 253 SLH 2000. This act also amended HRS §76-17 and HRS §76-11 to include the various counties' personnel directors:

§76-17 Rules; policies, standards, and procedures. (a) In conformity with chapter 91, the director shall prescribe rules to carry out this chapter which shall have the force and effect of law. The rules may include any matter not

inconsistent with law concerning the establishment and maintenance of a system of personnel management based on the merit principle, including but not limited to matters set forth in this chapter, and may be amended or repealed in like manner as the same were adopted. The rules shall be in conformity with principles of good public administration.

§76-11 Definitions "Director" means the head of the central personnel agency for a jurisdiction regardless of title, whether it is the director of human resources development, director of personnel, director of personnel services, or personnel director.

Taken together, these changes removed the county civil service commissions' rule-making authority and vested it to the county personnel directors.

The same legislative act also amended HRS §76-47(c) to provide for the creation of a Merit Appeals Board in each jurisdiction, and provided such boards limited rule-making authority:

§76-47 Merit appeals boards; appointment, authority, procedures.

....

(c) The merit appeals board shall adopt rules of practice and procedure consistent with section 76-14 and in accordance with chapter 91, except that, in the case of the judiciary and the Hawaii health systems corporation, the adoption, amendment, or repeal of rules shall be subject to the approval of their respective chief executives. The rules shall recognize that the merit appeals board shall sit as an appellate body and that matters of policy, methodology, and administration are left for determination by the director. The rules may provide for the sharing of specific expenses among the parties that are directly incurred as a result of an appeal as the merit appeals board deems would be equitable and appropriate, including but not limited to expenses for transcription costs or for services, including traveling and per diem costs, provided by persons other than the board members or permanent staff of the board. Official business of the merit appeals board shall be conducted in

meetings open to the public, except as provided in chapter 92.

As the Civil Service Commission functions as the Merit Appeals Board for the County of Maui, the Commission retains some rule-making authority for matters within its purview.

Proposal:

In recognition of the changes outlined above, we propose that the charter be amended as follows:

1) Limit the scope of rule making authority of the Civil Service Commission to those areas prescribed by the Hawaii Revised Statutes, by amending Section 8-9.4 of the charter as follows:

Section 8-9.4. Civil Service Commission. The civil service commission shall consist of five members appointed by the mayor with the approval of the council.

The civil service commission shall:

1. Adopt rules having the force and effect of law to carry out [the] applicable provisions of the civil service laws [of the State] as prescribed by the Hawaii Revised Statutes.

2) Grant rule making authority to the Director of Personnel Services as prescribed by the Hawaii Revised Statutes, by amending section 8-9.3 of the charter to read as follows:

Section 8-9.3. Powers, Duties and Functions. The director of personnel services shall:

- 1. Be the administrative head of the department of personnel services.*
- 2. Be responsible for the personnel management program of the county.*
- 3. Perform such duties as are established under the civil service laws of the State.*
- 4. Adopt rules having the force and effect of law to carry out the provisions of the civil service laws of the State.*

Honorable Alan M. Arakawa
Page 4
June 28, 2011

These proposed changes were discussed with the Civil Service Commission at their meeting of June 1, 2011. The Commission had no objections to the proposed changes.

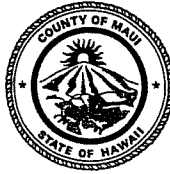
The general suggestion that we would have concerns the language in the charter regarding departments whose director is appointed by a commission, such as Personnel Services, Police, Fire, and Liquor Control. The charter provides varying budget involvement for these commissions. For example, the Civil Service Commission is responsible to "Request an annual appropriation for the operation of the department," while the Fire and Public Safety Commission is responsible to "Review and submit to the mayor the department's request for an annual appropriation for the operation of the department." We suggest that the language be revised to be consistent among such departments, but defer to the Budget Office as to the language that would best suit their needs.

We hope these proposed changes meet with your approval, and thank you for your continuing support and understanding.

dju

ALAN M. ARAKAWA
Mayor

KEITH A. REGAN
Managing Director



Joshua A. Stone, Chair
Wayne N. Hedani, Vice Chair
Artemio C. Baxa
Stephanie S. Crivello
David P. DeLeon
Frank R. De Rego, Jr.
Clifford P. Hashimoto
Susan A. Moikeha
Linda Kay Okamoto
Yuki Lei Sugimura
Flo V. Wiger

CHARTER COMMISSION
COUNTY OF MAUI
C/O DEPARTMENT OF THE CORPORATION COUNSEL
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
Email: Charter.commission@co.maui.hi.us

August 8, 2011

Danilo F. Agsalog, Director
Department of Finance
200 S. High Street
Wailuku, Hawaii 96793

Re: Request for Information

Aloha Director Agsalog:

I'm Joshua Stone and am the Chairman of the Maui County Charter Commission. Our Commission is responsible for reviewing, researching and proposing charter amendments for the upcoming 2012 election. A large part of this process is gathering information from a number of sources to assist us in making a determination on what proposals will be put forward, and what impacts these proposals will have.

In light of pending proposals that have come forward, the Commission respectfully requests the following information from your department:

1. A cost estimate and analysis of establishing and running a new County Auditors Department. This would include startup costs such as leasing of new space, buying equipment (desks, computers, etc.) and the costs of staffing the department, including projected number of staff needed, civil service classifications, salaries and benefits.

2. A comparative cost analysis of expenditures and savings from changing the Maui County Council terms from 2 years to 4 years thereby having the elections every 4 years instead of every 2 years.

08/15/11 - Item No. II.J. pgs. 1-2

Danilo F. Agsalog, Director
August 8, 2010
Page 2

Please assist us in our endeavor by responding to our request for information on or before September 16, 2011. The Commission would like to review your response at its meeting of September 26, 2011.

If you, or your staff have any questions, please contact me directly via email, stone@aloha.net, or by phone, (808) 870-7227, or you can contact Lisa Kahuhu of the Department of the Corporation Counsel at (808) 270-7585.

Thanks very much for your assistance with this request.

Mahalo,

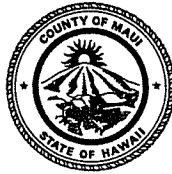
JOSHUA A. STONE

JOSHUA A. STONE, Chair
Maui County Charter Commission

cc: Charter Commission Members

ALAN M. ARAKAWA
Mayor

KEITH A. REGAN
Managing Director



Joshua A. Stone, Chair
Wayne N. Hedani, Vice Chair
Artemio C. Baxa
Stephanie S. Crivello
David P. DeLeon
Frank R. De Rego, Jr.
Clifford P. Hashimoto
Susan A. Moikeha
Linda Kay Okamoto
Yuki Lei Sugimura
Flo V. Wiger

CHARTER COMMISSION
COUNTY OF MAUI
C/O DEPARTMENT OF THE CORPORATION COUNSEL
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
Email: Charter.commission@co.maui.hi.us

August 8, 2011

Danilo F. Agsalog, Director
Department of Finance
200 S. High Street
Wailuku, Hawaii 96793

Sananda K. Baz
Budget Director
Office of the Mayor
200 South High Street
Wailuku, Hawaii 96793

Re: Request for Information

Aloha Director Agsalog and Director Baz:

I'm Joshua Stone and am the Chairman of the Maui County Charter Commission. Our Commission is responsible for reviewing, researching and proposing charter amendments for the upcoming 2012 election. A large part of this process is gathering information from a number of sources to assist us in making a determination on what proposals will be put forward, and what impacts these proposals will have.

In light of pending proposals that have come forward, the Commission respectfully requests the following information from your departments:

1. A systems and cost analysis of instituting a Biennial Budget system for the County. A systems analysis would include the nuts and bolts of instituting a biennial budget system for the County, including, but not limited to, outlining processes for supplemental budget requests in the interim period of the biennium, anticipated impacts of two year projections on department operations, and impacts (if any) on the process of property tax rate-setting, estimation, and collection.

08/15/11 - Item No. II.K. pgs 1-2

Danilo F. Agsalog, Director
Sananda K. Baz, Budget Director
August 8, 2010
Page 2

Please assist us in our endeavor by responding to our request for information on or before September 16, 2011. The Commission would like to review your responses, jointly or individually, at its meeting of September 26, 2011.

If you, or your respective staffs, have any questions you may contact me directly via email, stone@aloha.net, or by phone, (808) 870-7227, or you can contact Lisa Kahuhu of the Department of the Corporation Counsel at (808) 270-7585.

Thanks very much for your assistance with this request.

Mahalo,

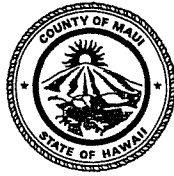
JOSHUA A. STONE

JOSHUA A. STONE, Chair
Maui County Charter Commission

cc: Charter Commission Members

ALAN M. ARAKAWA
Mayor

KEITH A. REGAN
Managing Director



Joshua A. Stone, Chair
Wayne N. Hedani, Vice Chair
Artemio C. Baxa
Stephanie S. Crivello
David P. DeLeon
Frank R. De Rego, Jr.
Clifford P. Hashimoto
Susan A. Moikeha
Linda Kay Okamoto
Yuki Lei Sugimura
Flo V. Wiger

CHARTER COMMISSION
COUNTY OF MAUI
C/O DEPARTMENT OF THE CORPORATION COUNSEL
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
Email: Charter.commission@co.maui.hi.us

August 8, 2011

Jeffrey T. Kuwada
County Clerk
200 S. High Street
Wailuku, Hawaii 96793

Re: Request for Information

Aloha County Clerk Kuwada:

I'm Joshua Stone and am the Chairman of the Maui County Charter Commission. Our Commission is responsible for reviewing, researching and proposing charter amendments for the upcoming 2012 election. A large part of this process is gathering information from a number of sources to assist us in making a determination on what proposals will be put forward, and what impacts these proposals will have.

In light of pending proposals that have come forward, the Commission respectfully requests the following information from your office:

1. A report beginning with the 1967 Charter Commission and Council amendments in the interim period on:

- Charter amendments that made the ballot for each succeeding election; and
- Vote totals for and against those amendments.

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Jeffrey T. Kuwada, County Clerk
August 8, 2010
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Please assist us in our endeavor by responding to our request for such a report on or before October 14, 2011.

If you have any questions you may contact me directly via email, stone@aloha.net, or by phone, (808) 870-7227, or you can contact Lisa Kahuhu of the Department of the Corporation Counsel at (808) 270-7585.

Thanks very much for your assistance with this request.

Mahalo,

JOSHUA A. STONE

JOSHUA A. STONE, Chair
Maui County Charter Commission

cc: Charter Commission Members

Sample of Format

DRAFT 08/15/11

PROPOSALS FOR SUBSTANTIVE CHANGES TO THE MAUI COUNTY CHARTER

Sherry P. Broder, Esq. and Jon M. Van Dyke, Esq.

Preamble

Proposal 1 – Purpose Clause Proposal

Amend Preamble to add a general statement about the purpose of establishing a County Government and to include the following: preserve and protect the rights of persons and property, to protect the beauty of Maui, to provide recreational facilities, to provide adequate and safe water, among other things

Article 3, County Council

Proposal 2 –Single Member Districts Proposal

Amend Article 3, County Council, Section 3-1, Composition, to change the composition of the Maui County Council to Nine Single Member Districts

Proposal 3 –Single Member Districts Proposal with Lanai and Molokai in Separate Districts

Amend Article 3, County Council, Section 3-1, Composition, to change the composition of the Maui County Council to Nine Single Member Districts but do not place Lanai and Molokai in the same council district

Proposal 4 –Single Member Districts Proposal with Self-Rule for Lanai and Molokai

Amend Article 3, County Council, Section 3-1, Composition, to change the composition of the Maui County Council to Nine Single Member Districts and grant Lanai and Molokai self-rule

Proposal 5 –Proposal to Retain At-large Districts with Geographic Residency

Do not amend Article 3, County Council, Section 3-1, Composition

Proposal 6 – Residency Requirement for County Council Members Proposal;

Amend Article 3, County Council, Section 3-3, Qualifications, to require that candidates have lived in and voted in the district in the previous election for which they are currently running