

CHARTER COMMISSION

Monday, MARCH 5, 2012

10:00 a.m.

Planning Conference Room
KALANA PAKUI BUILDING
WAILUKU, MAUI, HAWAII

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COUNTY CLERK

AGENDA

COMMISSION MEMBERS

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

AGENDA ITEMS ARE SUBJECT TO CANCELLATION. For a confirmation of the meeting date and time, and for scheduling of agenda items, please contact Supervising Law Technician, (Lisa A. Kahuhu), at: Department of the Corporation Counsel, 200 S. High Street, 3rd Floor, Wailuku, Hawaii 96793, 808-270-7742, 1-800-272-0117 (toll-free from Molokai and Lanai), 808-270-7152 (fax).

ORAL OR WRITTEN TESTIMONY Oral testimony shall be received in the order which testimony forms are submitted. Each testifier shall be allowed to speak for a total of five (5) minutes on all agenda items. Written testimony should be submitted to the Charter Commission, c/o the Department of the Corporation Counsel, 200 S. High Street, 3rd Floor, Wailuku, Hawaii, or via email to charter.commission@co.maui.hi.us and should be submitted at least 24 hours in advance of the meeting so that copies can be provided to the commissioners in a timely manner. If written testimony is to be submitted at the meeting, 16 copies are required.

INDIVIDUALS WHO INTEND TO ATTEND THE MEETING AND WHO HAVE DISABILITIES REQUIRING SPECIAL ASSISTANCE should call the Department of the Corporation Counsel at least three days in advance.

REGULAR SESSION

- I. CALL TO ORDER
 - A. Attendance
 - B. Minutes - None
 - C. Public Testimony
- II. COMMUNICATIONS

- A. Communication dated February 16, 2012 from Clifford Hashimoto, to Chairman Josh Stone and Members, Maui County Charter Commission regarding Item No. II.A. of the February 13, 2012 Charter Commission agenda.
- B. Communication from Clifford Hashimoto to the Members of the Maui County Charter Commission regarding Charter Amendments.
- C. Communication dated February 27, 2012 from Kevyn Correa, Commissioner, Fire and Public Safety Commission, regarding Amending Charter Section 8-7.4 to include Ocean Safety.

III. PROPOSED CHARTER AMENDMENTS MATRIX

Note: No new proposals were received as of the February 27, 2012 meeting. Therefore, the current Matrix remains the same, updated as of October 17, 2011.

IV. PROPOSED CHARTER AMENDMENTS ACTIVE PROPOSAL LIST

A. Open discussion with resource people from County of Maui's Office of the Mayor, Department of Parks and Recreation, and Department of Personnel Services, with regard to proposal #2 below regarding the proposed assignment of ocean safety and rescue from the Department of Parks and Recreation to the Department of Fire and Public Safety.

B. Review of draft amendment language:

1. **Proposal #1** - Article 3, County Council Term Limits.

Shall Section 3-2 of the Charter be amended to lengthen the term of office of council members from two years to four years, with term limits of three consecutive terms or 12 consecutive years, whichever shall be longer, beginning in January 2015, with terms to be staggered.

2. **Proposal #2** - Article 8, Section 7, Department of Fire and Public Safety - Assign Ocean Safety and Rescue to Department of Fire and Public Safety.

Shall Section 8-7.4 of the Charter be amended to include ocean rescue and safety to the Powers, Duties and Functions of the Fire Chief of the Department of Fire and Public Safety?

3. **Proposal #3** - Article 8, Chapter 16, Cost of Government Commission - Create an Office of the County Auditor, with the Cost of Government as Part of the Organization of that Office.

Shall the Charter be amended to establish an independent Office of the County Auditor, to provide for the appointment and removal of an Independent County Auditor by the County

Council, to define the County Auditor's duties and powers in order to increase accountability and efficiency of County operations, to attach the Cost of Government Commission as an advisory board to the County Auditor, and to make other clarifying, conforming, transitional, and related amendments?

4. **Proposal #4** - Article 13, General Provisions, Section 13-2, Boards and Commissions, Subsection 17 - Require Interactive Communications Access for the Public to All County Council and County Council Committee Meetings.

Shall Article 13 of the Charter be amended to add a provision which would require the Council to provide for Interactive Communications Access for all Council meetings for residents of Hana, Lanai, Molokai and other geographic areas as the Council deems appropriate and reasonable?

5. **Proposal #5** - Article 14 - Add a New Section to Require that the Charter be Revised and Published to Include All New Significant Amendments Adopted.

Shall Article 14 of the Charter be amended to add a new provision requiring that the Charter of the County of Maui be republished in its entirety following any adopted revisions or amendments?

6. **Proposal #7** - Article 13, General Provisions, Section 13-2, Boards and Commissions, Subsection 17 - Require the County of Maui to Fund the Defense of Members of All County of Maui Boards and Commissions and to Indemnify Said Members.

Shall Article 13 of the Charter be amended to require that the County defend and indemnify board and commission members in civil actions when board and commission members have performed their official duties in a good faith and lawful manner?

7. **Proposal #8** - Article 3, Section 3-3, Qualifications - Require Council candidates to be a resident of the County for a period of one year, and a resident in the area for a period of one year.

Shall Section 3-3 of the Charter be amended to increase the time period for residency requirements in the County of Maui, and from the area which the person seeks to be elected, from 90 days to 1 year before a candidate for Council files nomination papers?

8. **Proposal #9** - Article 7, Section 7-3, Qualifications - Require candidates for Mayor to be a resident of the County for a period of one year.

Shall section 7-3 of the Charter be amended to increase the time period for residency requirement in the County of Maui

from 90 days to 1 year before a candidate for Mayor files nomination papers?

9. **Proposal #10** - Article 8, Chapter 7, new section, Department of Fire and Public Safety - Create a Declaration of Policy; Article 8, Chapter 7, Section 8-7.2, Fire and Public Safety Commission - To add review personnel actions with the department for conformance with the policies under Article 8, Chapter 7.

Shall Chapter 7, Article 8 of the Charter be amended as follows:

- (a) to add a new section entitled "Declaration of Policy" for the Department of Fire and Public Safety, which section would include statements concerning qualified and professional leadership, standards of recruitment, fair and appropriate personnel actions, and appropriate training opportunities?
 - (b) to add a new section to the Powers, Duties and Functions of the Fire and Public Safety Commission to authorize the commission to review personnel actions within the department for conformance with the policies set forth in "a" above?
10. **Proposal #11** - Article 8, Chapter 15, Department of Environmental Management, Section 8-15.3 - To add sustainability to the Powers, Duties, and Functions of the Department of Environmental Management.

Shall Section 8-15.3 of the Charter be amended to add the following to the Powers, Duties and Functions of the Director of the Department of Environmental Management:

- (a) Guide efforts to maximize opportunities for natural resource protection, conservation, and restoration; and
 - (b) 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?
11. **Proposal #12** - Article 8, Chapter 7, Department of Fire and Public Safety, Section 8-7.2; Article 8, Chapter 9, Department of Personnel Services, Section 8-9.4; Article 8, Chapter 12, Department of Police, Section 8-12.2; Article 8, Chapter 13, Department of Liquor Control, Section 8-13.2, to create consistency in the powers, duties and functions of the Fire and Public Safety Commission with the Civil Service, Police, and Liquor Commissions.

Shall Chapters 7 (Department of Fire and Public Safety), 9 (Department of Personnel Services), 12 (Department of Police), and 13 (Department of Liquor Control) of Article 8 of the Charter be amended to provide consistency in the process in which the various commissions of the listed departments that appoint its directors or chiefs handle the removal of its directors or chiefs, specifically, in the following areas:

- (a) charges for removal being given in writing;
- (b) opportunity for hearing before the commission;
- (c) periodic review and evaluation of director's/chief's performance; and
- (d) report to the Mayor and Council covering the review and evaluation?

12. **Proposal #13** - Article 8, County Departments - Create a Declaration of Policy.

Shall Article 8 of the Charter be amended to add a new section entitled "Declaration of Policy" which would be applicable to all County departments, and include statements concerning qualified and professional leadership, standards of recruitment, fair and appropriate personnel actions, and appropriate training opportunities?

V. OLD BUSINESS

- A. Final report timeline.

VI. NEW BUSINESS

- A. Discussion on communication items.

VII. ANNOUNCEMENTS

- A. Next Meeting Date and Discussion on Next Meeting Agenda Items
- B. Calendaring
- C. NEXT REGULAR MEETING (subject to change):
 - Date: Monday, March 19, 2012
 - Time : 10:00 a.m.
 - Place: Planning Conference Room, Kalana Pakui Building

VIII. ADJOURNMENT