

February 16, 2012

From: Clifford Hashimoto  
To: Chairman Josh Stone  
Members Maui County Charter Commission

Subject: Communication 021312 - Item No. II.A;

I have a concern with the contents of this communications, the comments of Sally Raisbeck's complaint and Mayor Arakawa's communications regarding his inability to Control the Police Department.

As you may recall, Mayor Arakawa requested that we make an effort to amend the Charter to make the Police Chief responsible to the Mayor. To date no effort has been Made to even review Chapter 12 to determine if improvements and refinements are warranted. Because this Department is the largest of Maui County Government and the most expensive to operate, I believe it must come under strict scrutiny.

I can understand why the Police Commission is not effective. Look at the wording of their tasks:

**A. Section 8-12.1. Organization. There shall be a department of police consisting of a police commission, a chief of police, and necessary staff. [why is the commission a integral part of the department? Should it not be independent of the department?] Is the Commission serving the Department or the People of Maui?**

**B. Section 8-12-2. 1. What are the rules of the Police Commission. Has it been Published and available to the public?**

**C. Section 8-12.2.2. What is the purpose of the Commissions role on the budget of the Department?**

**D. Section 8-12.2.3. Receive, review, and investigate charges brought by the public or of its members and submit a report to the CHIEF "for the chiefs disposition." [so any negative reports of the department is DISPOSED OF BY THE CHIEF?**

**E. What are these "such powers and duties as may be provided by law???"**

**F. Section 8-12.3. Chief of Police. Shall be appointed by and may be removed By the police commission. (if the commission decides not to remove the chief, who then Has the authority to remove the chief???)**

At this point, what has been the response of the Police Commission regarding this

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serious charges made against Chief Yabuta? Although it isn't the purview of the Charter Commission to make and investigation of this matter, it is these questions that should Cause the Charter Commission to place the question of the Police Commissions activities Under review NOW before finalizing the proposed amendments.

Respectfully;

Clifford Hashimoto, Member  
Maui County Charter Commission

TO: MEMBERS OF MAUI COUNTY CHARTER COMMISSION  
FROM: CLIFFORD HASHIMOTO, MEMBER

CHARTER AMENDMENT:

Item One: I want to go on record to state that I am not satisfied that this Commission made sufficient effort to review the current charter to Identify and uncover all or as many of the articles that could have made significant improvements to the functions of government making it more responsive to the needs of the people.

- A. less cost
- B. better service
- C. more efficient
- D. easier to work with
- E. smaller

This commission did not take any time to review the current charter to present to the public. In doing so, the hearings would have given this commission a base of important and useful subjects to build public policy on. Instead, we faced the public for months without any idea of what is really wrong with County Government that may have been on the minds of our people. My view is that we placed ourselves at the mercy of those in the public who have their personal agenda, which they brought forth and clouded up the real problems facing our future.

Requesting input from the County Department heads was another way to give the foxes an opportunity to redirect our attention away from areas of government that will impact the cost and size of government in the near future. An example is water supply, waste water and solid waste disposal and other areas. The cost of water, although reasonable at present, will escalate within a couple of years much like Electrical cost. Meco is now warning us that we will be faced with rising cost of service even though they admit that conservation programs that they have been promoting is the reason for their need to increase rates. Now we see the water department making the same admission. So, what is the public/consumer to do keep relying on misinformation? Or do we resort to reexamining how things really work against us because we allow ourselves to be hoodwinked year after year by those who take advantage of herd of sheep?

I fear that the result of this 2011 Charter Commission effort with improvements to public policy will mirror that of the previous commission. We have approximately forty-seven days in which to Make any improvement(s).

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Item two: I am in support of continuing the non-partisan elections for Maui County. The people know who they want to vote for and non-partisan elections allows "every voter his/her right to vote for the candidate of their choice and not one party or another. I believe that The Hawaii State Constitution should be amended to give every voter Their right to vote for their choice of candidate rather than the two or three party system. I believe that this partisan system is a violation of The Bill of Rights! Maui County officials and leaders should support the Next Constitutional Convention to make these changes to a broken political system.

Item three: Is there any reason to allow collective bargaining for government employees? Must all employees of the Maui County be subject to the Union rights? Government employees have more rights than the average citizen working for a private employer. What is the Purpose of the civil service commission, collective bargaining and the Labor relations board? Seems like labor overkill to me.

Item four: In 2010 the County unanimously passed a resolution recognizing the rights of the native Hawaiian culture, that the culture is Worthy of preservation. I support that measure, but it did not go far enough. I believe that the preservation and recognition of the native Hawaiian culture should be made permanent by this county by including it a part of our Charter. This way, as we move into the future, the new comers will understand why Hawaii, and Maui County Retains and maintains some of it's unusual characteristics.

Thank you for indulging me.

Respectfully;

Clifford Paul Hashimoto

## Charter Commission - Written Testimony - Amending Charter section 8-7.4 to include Ocean Safety

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**From:** Kevyn C <kevyn002@gmail.com>  
**To:** <charter.commission@co.maui.hi.us>  
**Date:** 2/27/2012 10:09 AM  
**Subject:** Written Testimony - Amending Charter section 8-7.4 to include Ocean Safety

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DATE: February 27, 2012

TO: Mr. Joshua Stone, Chairperson & Charter Commission Members of Maui County  
 FROM: Kevyn Correa, Commissioner, Fire & Public Safety Commission  
 RE: Written testimony - Amending Charter section 8-7.4 to include Ocean Safety Officers to powers, duties and functions of the Fire Chief and Department of Fire and Public Safety

On several occasions, Fire and Public Safety Commission met with the Mayor, executive assistants, Park's administrators and Ocean Safety personnel regarding the issue of transferring Ocean Safety Officers/Lifeguards ("Ocean Safety") from Department of Parks and Recreation ("Parks") to Department of Fire and Public Safety ("Fire"). We inquired of plans for the proposed transfer and questioned whether such move would benefit the public, Parks, and Fire.

To date there have been no plans submitted that outlines the specifics of how the transfer would occur. There have been no studies done that show anticipated results of such reorganization whether it would produce better service and costs savings as the reason given for the transfer is to streamline departments by consolidation thereby making operations more efficient. It is not necessarily the case that attempting to make something efficient means it will be more effective. Hawaii and Kauai counties can attest to this matter. There have been no understanding or meetings of the minds regarding the details involved in undertaking fifty (50) plus personnel to a different standard and department. There remain many unanswered questions.

HGEA represents Ocean Safety. It too questions the proposed transfer and reorganization with no clear plan. HGEA's agent, Markc Kichhof, stated his position and asked in pertinent part, in his hand delivered letter dated November 29, 2011 to Mayor Arakawa: "...The official proposal should have inclusive the current organizational charts, proposed organizational chart indicating . . .new positions, locations, titles, a list of names impacted, the reasons/purpose of the proposed move, working hours, will all Aquatics Div. internal policies carry over, etc.?" While the Charter gives Mayor authority to manage departments, by collective bargaining rules HGEA must be consulted and decide whether such reorganization is in Ocean Safety's best interest. HGEA awaits a plan and answers to its questions.

In addition, there needs to be a clear and mutual understanding between Fire and Ocean Safety of expectations. There currently exist different standards, training, policies and requirements between the departments and the similar but different work culture dynamic should be discussed and understood. Failure to understand this issue, may result in grievances and morale problems.

If sometime in the future a plan is provided and approved, then there must adequate and guaranteed funding backing the plan. The Mayor indicated in meetings, that he would approve whatever funding Fire required in order to make Ocean Safety a division of Fire. If county council fails to approve funding as Fire will request, then as a fundamental matter for everyone involved, the transfer should not occur.

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Finally, but most important, Chief Murray is currently taking the department through national accreditation. National accreditation is a coveted designation given to only those Fire departments that meet the highest level of standards and qualifications in their profession as measured by their peers. Accreditation is part of the overall Strategic Plan and the most important body of work that Fire & Public Safety commissioners holds the Chief accountable to in its annual evaluation and review. It is a rigorous undertaking that requires extensive work and ongoing training, time and resources which Fire already struggles to meet. However, the benefits of accreditation will result in best practices and the highest level of competence and lifesaving for Fire and ultimately citizens of Maui County benefit. The certification of accreditation remains with MFD forever. The process will require training records, updated training procedures, practices and manuals 3 to 5 years past. This requirement to produce such documents would also apply to Ocean Safety which they may not possess.

Given all of what is at stake and considering there is no plan, no current union support, no meeting of the minds between departments and with limited monies for funding and in consideration of national accreditation as Fire's priority, I do not believe the transfer of Ocean Safety to Fire should move forward.