

March 2, 2012

Maui County Charter Commission Members  
200 S. High Street  
Wailuku, HI 96793

Subject: Charter Amendment 19, Section 8-15.3

Aloha Charter Commission Members,

I, Dr. Kristen Freeman, would like to submit a written testimony in support of the Charter Amendment 19, Section 8-15.3 as it is written.

I am a professor of Environmental Health in the Sustainable Science Management Program at UH Maui College. Through my research for teaching this class, I have encountered a number of environmental issues here on Maui that are of significant importance to our social, economic and environmental well being. Sustainability is not simply the new buzz word to be thrown around and talked about. Maui requires significant action in areas of agriculture, water resources and coastal ecosystems as well as air quality and energy considerations. These issues are all inextricably linked, such that a system wide approach must be utilized in order to truly understand and protect the ecology of our natural environment. These system-wide considerations are also of significant importance to human health. We often take this last point for granted, discounting the importance of resource preservation and conservation and how our own health as well as the health of our economy are intertwined with the health of our environment and considerations of sustainable living. The economic considerations of environmental preservation on Maui are of significant importance, more so than in a number of other locations, because Maui's economy is so related to the beauty and precious nature of this beautiful island system.

Please consider my support for this Charter Amendment and utilizing the language as it stands, so that we can move toward the sustainable goals that are of such vital importance to our economic, social and environmental health.

With Aloha,

Dr. Kristen Freeman  
University of Hawaii Maui College  
Professor of Environmental Health  
Ecologist and Soil Conservationist

031912 - Item No. II. A

**Charter Commission - testimony**

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**From:** Mark White <mwhite@TNC.ORG>  
**To:** "charter.commission@mauicounty.gov" <charter.commission@mauicounty.gov>  
**Date:** 3/2/2012 3:46 PM  
**Subject:** testimony  
**CC:** Robert Parsons <Robert.Parsons@co.maui.hi.us>  
**Attachments:** CountycharterMW.docx

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Aloha,

Please accept this testimony regarding a proposed charter amendment.

Mahalo nui loa,

**Mark L. White**  
*Maui Nui Program Director*  
[mwhite@tnc.org](mailto:mwhite@tnc.org)  
(808) 856-7664  
(808)572-1375 (fax)  
(808) 283-4583  
[nature.org/hawaii](http://nature.org/hawaii)

**The Nature Conservancy**  
**Maui Program**  
81 Makawao Ave., Ste. 203A  
Pukalani, HI 96768  
Mailing Address:  
PO Box 1716  
Makawao, HI 96768



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The Nature Conservancy of Hawai'i  
81 Makawao Ave., Suite 203A  
Pukalani, Maui, HI 96768

Tel (808) 572-7849  
Fax (808) 572-1375

[nature.org/hawaii](http://nature.org/hawaii)

Maui County Charter Commission

Dear Charter Commission Member:

The Nature Conservancy of Hawai'i supports Charter Amendment 19, Section 8-15.3 that would add additional functions and powers to the Director of the Department of Environmental Management. We believe that adding the additional function of promoting sustainability could help coordinate and promote many conservation opportunities that currently receive inadequate attention. This additional focus could not only save the county money long-term, but also enhance the quality of life for all of Maui's residents and visitors.

Integrating this new role in the Environmental Management Department will pose some challenges that would need to be addressed; however, with careful attention these challenges could be resolved. Like any new function within a department with an existing culture and focus, it would take some time, careful planning, and follow-up to ensure that new responsibilities become seamless and integrated. If executed properly however, a new sustainability focus within the department could actually reduce the cost of government over time and not add to it while promoting a healthier more sustainable environment; the same environment that we all depend on for water, food, shelter and our robust tourist industry.

Mahalo for the opportunity to provide testimony,

Mark L White  
Director of Maui Nui Program  
The Nature Conservancy of Hawai'i

cc: Rob Parsons

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**Charter Commission - testimony re: potential charter amendments**

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**From:** "Sally Kaye" <skaye@runbox.com>  
**To:** <charter.commission@co.maui.hi.us>  
**Date:** 3/5/2012 10:16 AM  
**Subject:** testimony re: potential charter amendments

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Aloha Members of the Charter Commission:

Thank you for all the hard work you are doing on updating our Maui County Charter provisions. I appeared and offered testimony at the Commission meeting on Lana'i in July, and would like to add support for the following final provisions that appear on your agenda for March 5, 2012:

- I support amending Section 3-2 to lengthen the term of office of council members to four (4) years.
- I support amending the Charter to establish an independent Office of the County Auditor, the Auditor to be appointed by County Council.
- I support amending Charter Section 3-3 to increase the residency requirement in the County and the area from which a person seeks be elected from 90 days to one (1) year before filing candidacy is allowed; I also support extending the residency period for the office of Mayor to one (1) year (Article 7, Section 7-3).

The remaining items appear to be ones that could be better addressed through existing administrative procedures than Amending the Charter.

Respectfully submitted,

Sally Kaye  
511 Ilima Ave.  
Lana'i City, HI 96763  
808/565-6276

03/9/12 - Item No. II.C.

FOLLOWUP TO PREVIOUS COMMUNICATION REGARDING: Chapter 12  
Department of Police dated: 02/16/2012

8-12.2. 3 [**The police commission** ] shall: Receive, review and investigate any charges brought forth by the public against the conduct of the department or any of its members and submit a written report of its findings and recommendations to the chief of police for the chief's disposition.

Let's assume that "department" includes every member and to including the "Police Commission" (Section 8-12.1. Organization.) states: **There shall be a department of police consisting of a police commission, a chief of police, and necessary staff** No! there is nothing to assume here, the police commission is an integral part of the police department and further that the Chief of Police is the Department Head and responsible for the conduct of Police Commission.

The question now remains is: 1. What is the purpose of the Police Commission beyond appointing the Chief without any confirmation by the Executive or the Legislative Branches of the County? 2. The Chief can dispose of any and all charges brought against the department, himself and department personnel.

Let me make it clear that the Chief did not have a hand in wording of the County Charter or the establishment of the Commission because it was previously adopted by the voters.

SOLUTION:

1. Remove the Police Commission from the Department.
2. Make it an independent Board or Commission with all powers to receive, review, investigate all public charges brought against the Department.
3. In the case of ethical nature, refer charges to the Board of Ethics.
4. In the case of Chief, initiate impeachment proceedings (Article 10-1.2.b)

031912 - Item No. II.D.

March 5, 2012

RE: Testimony in Support of Sustainability

Aloha Charter Commissioners,

I am writing in support of the charter amendments which may lead to greater consideration of our County's environmental sustainability. Efforts to expand the County's role in this area would be highly prudent. Focusing on sustainability now would certainly make it easier for our future. The language proposed to "maximize opportunities for natural resource protection, conservation, and restoration... 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" should be pursued.

The idea of sustainability is to simply find long term solutions to real problems which threaten our ability to provide for ourselves. It means that we look to solutions locally and internationally to make us more self reliant and resilient in the face of outside as well as internal influences. This is a long term process which could benefit from consistent leadership and support at the local level. I hope that this initiative is furthered. It makes good sense for our personal, environmental and economic well being for now and our future generations.

Chris Brosius

20 Puaina Placc  
Makawao Hi. 96768

031912 - Item No. II.E.

# Resolution

No. 10-79

RECOGNIZING UNITED STATES PUBLIC LAW 103-150; THE UNIVERSAL DECLARATION OF HUMAN RIGHTS OF 1948; THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS OF 1966; AND THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS OF 1966

WHEREAS, the people of the County of Maui, of the State of Hawaii, of the United States of America, and of this world are born free with rights derived from the inherent dignity of the human person; and

WHEREAS, these inalienable universal rights are adopted and codified by the General Assembly of the United Nations in what is commonly referred to as the International Bill of Human Rights, which generally consists of the Universal Declaration of Human Rights of 1948, the International Covenant on Civil and Political Rights of 1966, and the International Covenant on Economic, Social and Cultural Rights of 1966; and

WHEREAS, in addition to setting forth the rights of individuals, the International Bill of Human Rights provides that each nation agrees to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the covenants, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status; and

WHEREAS, prior to the arrival of the first Europeans in 1778, the Native Hawaiian people lived in a highly organized, self-sufficient, subsistent social system based upon communal land tenure, and a unified monarchical government of the Hawaiian Islands was established in 1810 under Kamehameha I; and

WHEREAS, the United States recognized the independence of the Kingdom of Hawaii and extended full and complete diplomatic recognition to the Hawaiian Government; and

WHEREAS, in 1893, the-then United States Minister assigned to the sovereign and independent Kingdom of Hawaii conspired with others to overthrow the indigenous and lawful Government of Hawaii and deposed the Hawaiian monarchy and proclaimed the establishment of a Provisional Government; and

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**Resolution No. 10-79**

WHEREAS, the United States Minister thereupon extended diplomatic recognition to the Provisional Government that was formed by the conspirators without the consent of the Native Hawaiian people or the lawful Government of Hawaii in violation of treaties between the two nations and of international law; and

WHEREAS, the native people of Hawaii were deprived of their inalienable universal rights with the overthrow of the Kingdom of Hawaii in January 17, 1893; and

WHEREAS, the United States of America recognized that the indigenous people of Hawaii never directly relinquished their right to their inherent sovereignty as a people, right to their lands, and right to their nation by the enactment of the Apology Resolution of 1993 adopted by both houses of the United States Congress, as is set forth as United States Public Law 103-150, Stat. 1510-14 of the 103<sup>rd</sup> Congress; and

WHEREAS, the Apology Resolution of 1993 acknowledged "the illegal overthrow of the Kingdom of Hawaii on January 17, 1893" as well as "the historical significance of this event which resulted in the suppression of the inherent sovereignty of the Native Hawaiian people"; and

WHEREAS, the Apology Resolution of 1993 further expressed the commitment of the United States to acknowledge the ramifications of the overthrow of the Kingdom of Hawaii, in order to provide a proper foundation for reconciliation between the United States and the Native Hawaiian people, and

WHEREAS, the State of Hawaii also acknowledged the illegal acts and enacted Act 359 in 1993, entitled "A Bill for an Act Relating to Hawaiian Sovereignty", with its expressed purpose being "to recognize the unique status the Native Hawaiian people bear to the State of Hawaii and to the United States and to facilitate the efforts of the Native Hawaiian people to be governed by an indigenous sovereign nation of their own choosing"; now, therefore,

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

1. That all people of the world, of which the residents of the County of Maui and of the State of Hawaii are a part of, are born free and equal in dignity and rights; as members of the international community, there is an obligation to promote and encourage respect for human rights and fundamental freedoms for all without distinctions of any kind such as race, color, sex, language, religion, political and other opinions, all as enacted by the General Assembly of the United Nations set forth in the International Bill of Human Rights, that is fully recognized herein;



**Resolution No. 10-79**

2. That the Apology Resolution of 1993 acknowledges that the overthrow of the Kingdom of Hawaii on January 17, 1893 was illegal and Native Hawaiian people were deprived of these rights as a result; the Apology Resolution of 1993 further acknowledges that steps should be taken to support reconciliation between the United States and the Native Hawaiian people, which purpose is acknowledged herein;
3. That with the enactment of Act 359 in 1993 by our State, the unique status of the Native Hawaiian people was also acknowledged;
4. That the foregoing International Bill of Human Rights, Apology Resolution of 1993, and Act 359 are recognized and acknowledged; in furtherance thereof, it is acknowledged that steps must be taken to support the reconciliation efforts for the Native Hawaiian people;
5. That as used in this resolution, "Native Hawaiian" refers to the kanaka maoli people aboriginal to the Hawaiian Islands; and
6. That certified copies of this resolution be transmitted to the Mayor of the County of Maui, the Governor of the State of Hawaii, the State of Hawaii's delegation to the United States Congress, President of the United States, and the Secretary-General of the United Nations.

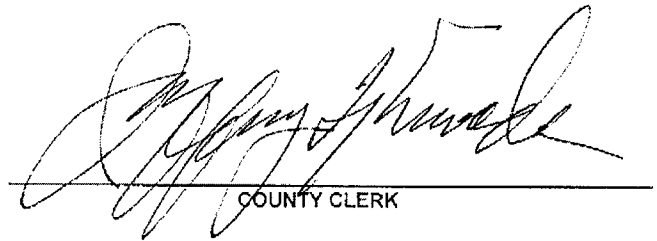
**COUNCIL OF THE COUNTY OF MAUI**

**WAILUKU, HAWAII 96793**

**CERTIFICATION OF ADOPTION**

It is HEREBY CERTIFIED that RESOLUTION NO. 10-79 was adopted by the Council of the County of Maui, State of Hawaii, on the 3rd day of December, 2010, by the following vote:

MEMBERS	Dennis A. MATEO Chair	Michael J. MOLINA Vice-Chair	Gladys C. BAISA	Jo Anne JOHNSON	Solomon P. KAHO OHALAHALA	William J. MEDEIROS	Wayne K. NISHIKI	Joseph PONTANILLA	Michael P. VICTORINO
ROLL CALL	Aye	Aye	Aye	Excused	Aye	Excused	Aye	Excused	Aye

  
\_\_\_\_\_  
COUNTY CLERK