

MAUI COUNTY CHARTER COMMISSION PUBLIC MEETING
Council Chambers, Maui
Wednesday, August 29, 2001
6:30 p.m.

PRESENT

Teryl Vencl, Chair
R. Sean McLaughlin, Vice-Chair
Bill Fuhrmann
Gwen Hiraga
Stephen Holaday
Karolyn Mossman
Stephen Petro
Donn Takahashi
Erlinda Rosario

STAFF

Brian Moto, Corporation Counsel
Ke`ala Pasco, Charter Commission Assistant

EXCUSED

Carole Ameral
Vince Bagoyo

CALL TO ORDER

Chair Vencl called the meeting to order at 6:30 p.m. and introduced the following: Vice-Chair Sean McLaughlin; Stephen Petro; Donn Takahashi; Erlinda Rosario; Gwen Hiraga; Karolyn Mossman; Bill Fuhrmann; Stephen Holaday; Brian Moto (Corporation Counsel); and Ke`ala Pasco (Charter Commission Assistant). Commissioners Ameral and Bagoyo were excused.

Chair Vencl welcomed everyone present and proceeded to take care of a few items of business. Motion was made (Commissioner Petro), seconded (Commissioner Takahashi), and unanimously carried to accept the minutes as amended by Commissioner Mossman and Vice-Chair McLaughlin. Motion was made (Vice-Chair McLaughlin), seconded (Commissioner Petro); and unanimously carried to accept into record correspondence that had been sent to the Commission. Excused: Commissioners Ameral and Bagoyo.

Chair Vencl explained how the Commission has been going to each community, sharing what the Commission is doing and where it's going. The Maui County Charter is reevaluated every ten years. The Charter is like the Constitution for Maui; it governs government. The eleven commissioners were selected by the Mayor and confirmed by the Council. The Commission is doing research on topics that have been brought to its attention by the community; this should go until the end of the year. The Commission will return to the communities to get input and feedback in the beginning of 2002; submit a report to the Council to get their suggestions in April; and submit a final report by July 2002. The Commission will be in deliberations for now, and will invite experts in to speak to them in hopes that they can provide a wider view of the whole picture.

Chair Vencl explained the rules for testimony: three minutes with one minute to conclude; speakers may come back at the end. In the meantime, please send in your written testimony at any time. The deadline is the end of September.

TESTIMONY

MS. CHARMAINE TAVARES

Ms. Tavares presented eight suggestions to the Charter Commission:

- 1) Resist any temptation to change the non-partisan election process for the Mayor and the Council.
- 2) Consider recommending that a separate commission be created to review the issue of district voting.
- 3) Consider giving the County Council the power to remove the Corporation Counsel from office.
- 4) Consider changing language so that Corporation Counsel performs duties assigned by the County Council as well as those assigned by the Mayor.
- 5) Spell out the Council's existing responsibility and authority for legislation regarding zoning and other land use ordinances.
- 6) Consider shifting the authority and responsibility for "all matters relating to the Coastal Zone Management law" from the Planning Commissions to the County Council.
- 7) Consider changing the language under the Mayor's section so that it parallels the language under the County Council's section. It would enhance clarity and enforceability.
- 8) Put the Department and Board of Water Supply, its Director, and its Deputy under the full authority of the Mayor and the County Council.

Vice-Chair McLaughlin asked if Ms. Tavares had thought about instant runoff voting. She replied that it does have some merits, but we have a problem encouraging people to come out and vote. She reiterated that we haven't had a chance to see our election process through a whole cycle.

Vice-Chair McLaughlin then asked if the "none of the above" option would get more voters. Ms. Tavares replied that it's a negative approach to government, and she'd rather have a positive approach for people who come forward to seek public office.

Vice-Chair McLaughlin also asked about the powers of the council versus the administration, and asked if they've thought about other options. Ms. Tavares said that it's a commission year so people are focused on it; they're concerned with the seeming unbalance in the charter (between the executive and legislative branches). They can only offer comments, just like the public does, they can't approve.

Ms. Tavares said that she is the Planning Chair for the County Council, so she mentioned the handoff between what they will do and the Commission will do. As chair of the Planning Committee, she is not quite ready to submit recommendations. She'll be better able to do so in November (most comments have to do with CAC and county code).

Vice-Chair McLaughlin then asked about the process of appointing CACs and requested feedback (Council appoints one and the Mayor appoints the balance). Ms. Tavares responded that there are a lot of comments about the makeup of CACs. Community organizations can put forth candidates. Like district representation, the goal is as much of a cross section as possible.

Commissioner Mossman had a question regarding the power to remove corporation counsel: if the process is initiated by the Mayor and council confirms it, would it be kept that way or can it be initiated by either party? Ms. Tavares replied that it could be either. If there is a confirmation by the Mayor, then that's it.

Commissioner Petro asked about a separate commission on voting, and single member districts as opposed to at large representation. Ms. Tavares stated that for smaller