

Home Rule for Maui County

By R. Sean McLaughlin, Kula, Maui, Hawai'i, USA
Maui County Charter Commission
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Usually when we think of 'home rule' it's about the State of Hawai'i giving local authority to the County governments. But for Maui County, home rule issues extend to different parts of our multi-island County. Diverse communities abound, including: Moloka'i, Lana'i, Hana/East Maui, West Maui, South Maui, Upcountry, North Shore, Kahului including Waikapu and Wailuku including Waiehu and Waihe'e.

This year's review of the Maui County Charter is an uncommon chance to consider the overall design and structure of local government for all of Maui, Moloka'i, Lana'i, and Kaho'olawe. If it is their will, the voters can extend a greater measure of home rule to all parts of Maui County.

Maui County government is currently designed with incomplete elements of home rule provided to some but not all areas of the County. With rare exceptions, every decision of County government is made in one location, Kalana O Maui in Wailuku. [The largest exceptions are actions taken by the appointed planning commissions for Moloka'i and Lana'i, which have jurisdiction over coastal zone management areas for those islands.]

As far as elected officials, all nine of Maui's County Council members and the Mayor are each elected 'at-large' with every voter in the entire County eligible for voting in every race. These ten are currently the only elected offices of County government. All other local government authority is appointed by these elected officials.

To reflect the unique and diverse needs of certain areas, Maui County's Charter requires that each of the Council members reside in a different geographic district. However, these Council residency districts do not coincide with community plan districts or other functional areas of jurisdiction.

To provide a greater measure of local input for different parts of the County, certain boards and commissions have been created and appointments to all County boards and commissions are directed to consider geographic representation.

In addition to the Moloka'i and Lana'i Planning Commissions, examples include: Hana Advisory Committee to the Planning Commission; Napili Bay Civic Improvement District Advisory Committee; Maui Redevelopment Agency (for Wailuku); and more. These bodies are mostly advisory and very little decision-making authority is vested in them.

The only County-wide structure currently in place was created by ordinance as part of Maui County's planning process. Citizen Advisory Committees (CAC's) were established to develop community plans for each of the nine planning districts. By ordinance, these bodies are appointed jointly by the Council and the Mayor. With every part of the County represented, the appointed CAC's are perhaps the closest thing to home rule that Maui County has instituted thus far.

Yet, the CAC's are temporary bodies that have been disbanded as they have completed their work. Revisions and amendments to the community plans are handled by the County Administration and the Council with advice from the planning commissions.

Real authority for the CAC's has been extremely limited.

To extend home rule to all parts of Maui County, the CAC's could be made permanent bodies, renamed Community District Boards and given the power to make certain decisions of local concern and to advise the Council and Administration on other decisions of regional or countywide concern. Community District boundaries could correspond with community plan districts, Council residency districts, or other functional areas of the County.

Community District Boards could be elected by the residents of that district. Elected Boards would provide more direct involvement for voters at the local level. If established by Charter, elected or appointed Community District Boards can provide a substantial measure of home rule to all parts of Maui County.

In addition to the current planning functions of the CAC's, many advisory and policy-making decisions of other appointed boards and commissions could be reassigned to the Community District Boards. Among the local decisions that might be assigned to Community District Boards are: community plan amendments; zoning variances and appeals; traffic safety measures; urban design review and code appeals; parks and street naming and lighting issues; real property tax appeals; public safety concerns; designation of exceptional trees; protection of cultural resources; and adequate provision of emergency, health and social services.

To protect the unique interests of Moloka'i, Lana'i and the Hana communities that are presently recognized in the Charter, special consideration may still be needed for the role of Community

District Boards in those truly remote areas. As described, each of area of the County will benefit from an increase in local decision-making and home rule provided by a local District Board.

If the voters of Maui County wish to do so, they can amend the County Charter this year to increase home rule by creating Community District Boards. Community District Boards could be established to represent each community plan district, or each of the nine Council residency districts. By providing local decision making authority at the local level, Community District Boards could better represent the particular needs and interests of the diverse areas of Maui County.

Establishment of elected Community District Boards will extend home rule to all areas of Maui County and revitalize the participation of citizens in local government. Now, let the voters decide!

Note for Charter Commission meeting:

Motion: That this question be offered for community input and comment: "Shall the Charter establish Community District Boards, either elected or appointed, to represent the nine Council residency district areas? Such Community District Boards would be given all appropriate authority currently delegated to appointed Boards or Commissions of the County."

CHAPTER C

ARTICLE IV

SECTIONS - C4.14-4.35 of the CHARTER OF THE CITY AND COUNTY of DENVER

ADOPTED MAY 19, 1959

C4.14 Board of Water Commissioners Created. There shall be and hereby is continued and created a non-political Board of Water Commissioners of five members, to have complete charge and control of a water works system and plant for supplying the City and County of Denver and its inhabitants with water for all uses and purposes.

C4.15 Appointments to Board. On the second Monday in June, 1959, on the second Monday in July, 1961, and each two years thereafter, there shall be appointed by the Mayor one or two Commissioners, as the case may be, for terms of six years each to succeed those whose terms expire at said times. The members of the Board of Water Commissioners in office at the time this amendment takes effect shall continue in office until the expiration of the terms for which they have been appointed and they and their successors shall each continue in office until their successors are appointed and qualified. Any vacancy on the Board shall be filled promptly, and in any event within 90 days, by appointment by the Mayor. No one may be appointed to membership on the Board unless he/she shall be a citizen of the United States and a resident of the City and County of Denver and have attained the age of 25 years. If a member of the Board shall cease to be a resident of Denver, he/she shall thereupon cease to be a member of the Board.

C4.16 Salaries and Bonds. The Commissioners shall each receive a salary of \$600.00 per annum payable semi-monthly. Each Commissioner shall take an oath and give a bond in the sum of \$5,000.00, conditioned and to be approved as provided by the Charter for bonds of other officers; and the Board may require such of its appointees to give bonds in such amounts as it may determine, conditioned as required, by the Board. The Board may require the Treasurer of the City and County of Denver to give bond conditioned in such manner as shall be determined by the Board. The premiums on all such bonds shall be paid out of the Water Works Fund. The sureties on all such bonds shall be responsible surety companies.

C4.17 Meetings - Attendance. The Board shall hold two regular meetings each month on such days as it may by resolution determine, and special meetings at such other times as it may deem necessary. All meetings shall be open and public. If any member of said Board is absent from a regular meeting, except on the business of the Board, \$25.00 shall be deducted from his/her salary on account of such absence, and if any member of the Board shall be absent for three successive regular meetings, unless excused on account of sickness, or other substantial reason (to be determined by the Board), he/she shall cease to be a member thereof and the office deemed vacant.

C4.18 Powers - General. The Board shall have and exercise all the powers of the City and County of Denver including those granted by the Constitution and by the law of the State of Colorado and by the Charter in regard to purchasing, condemning and purchasing, acquiring, constructing, leasing, extending and adding to, maintaining, conducting and operating a water works system and plant for all uses and purposes, and everything necessary, pertaining or incidental thereto, including authority to dispose of real or personal property not useful for or required in the water works operation. The Board shall have authority to generate and dispose of electric energy for water works purposes or any other purpose of the City and County of

Denver. It may lease water facilities, or the flow of water for generation of electric energy. It may sell surplus energy which it may generate, provided that nothing herein shall be construed as enlarging the powers of the Board so as to permit the extension of its authority into the field of sale and distribution of electric energy to the public in general. The Board shall have power in the name of the City and County of Denver to make and execute contracts, take and give instruments of conveyance, and do all other things necessary or incidental to the powers herein granted, and in so doing may make such special designation or designations in such instruments as will indicate the capacity in which the City and County of Denver is acting when such actions are taken by or on behalf of the Board of Water Commissioners. The customary practice of dealing in the name of "City and County of Denver, acting by and through its Board of Water Commissioners" is hereby confirmed and approved. The Board shall institute and defend all litigation affecting its powers and duties or in relation to said water works system and plant and the property and rights connected therewith or incidental thereto. If process shall be served on the City and County of Denver in a matter affecting the powers, duties, properties, or trusts of the Board, such process shall also be served on the Board; and a copy thereof served on a City official other than one under control of the Board, shall be, by him/her, forthwith transmitted to the Manager of the Water Department. The Manager of the Water Department is hereby designated as the officer upon whom process may be served in any matter affecting the City and County of Denver with respect to matters in which the Board of Water Commissioners has the sole authority for the municipal corporation.

C4.19 Manager and Personnel. The property and personnel under control of the Board shall be referred to generally as the Denver Water Department or Water Department. The Board shall designate some person as Manager of the Water Department and shall designate an appropriate person or persons to act as such Manager in case of the absence or unavailability of the Manager of the Department. The Manager shall cause the Board's policies and orders to be executed and shall bring to the Board's attention matters appropriate for its action. The Board shall have power to employ such personnel, including legal staff, and fix the classifications thereof as it may deem necessary, and all such personnel shall be hired and dismissed upon the sole basis of fitness and ability to perform duties and functions assigned by the Board. The Board shall define the duties of each of its employees and fix their compensation, all conduct by both the Board and its employees to be with the purpose of furnishing good and continuous water service. It shall be the duty of the Board to carry out the intent and requirements of Article XX of the Constitution of the State of Colorado with respect to civil service for public utilities and works, which civil service provision is incorporated herein and as a part hereof, and to perform the customary functions of a civil service commission with respect to all Board employees. The Board may establish, from time to time, classifications of employment for persons having executive discretion. Such employees shall serve solely at the pleasure of the Board. The number of such employees shall not exceed 2 percent of all persons employed by the Board.

C4.20 Water Works Fund. There is hereby created a Water Works Fund into which shall be placed all revenues received from the operation of the Water Works system and plant together with all monies coming into said fund from other sources. All revenues of the Water Department shall daily be turned over to the Treasurer of the City and County of Denver who shall open and keep a separate account for said Water Works Fund and shall faithfully account for all monies received and disbursed on account thereof. The Treasurer shall create and maintain such special accounts and subaccounts within the Water Works Fund as the Board may direct in connection with any bonds issued by the Board. Money shall be paid out of the Water Works Fund only upon the authority of the Board and evidenced by warrants drawn upon the Treasurer by the Auditor of the City and County of Denver except as to bonds and the interest thereon which the Treasurer shall pay without such warrant or audit. (Amended August 11, 1992)

C4.21 City Auditor. The Auditor of the City and County of Denver shall audit the accounts of the Board at least annually and make a report of his findings to the Council of the City and County of Denver. The Board shall make all of its accounts and records fully available to the Auditor to enable him to carry forward his

Chairperson

duties which shall be performed without interference with the water works function. The Auditor, or some person designated by him, shall sign all warrants, countersign and register all bonds and written contracts (with the privilege but without the necessity for keeping copies thereof); and shall keep an appropriate register of warrants issued. The Auditor may authorize the affixing of his signature by mechanical means.

C4.22 Water rates. The Board shall fix rates for which water shall be furnished for all purposes within the City and County of Denver, and rates shall be as low as good service will permit. Rates may be sufficient to pay for operation, maintenance, reserves, debt service, additions, extensions, betterments, including those reasonably required for the anticipated growth of the Denver metropolitan area and to provide for Denver's general welfare. The rates may also be sufficient to provide for the accumulation of reserves for improvements of such magnitude that they cannot be acquired from the surplus revenues of a single year.

C4.23 Uniformity of rates. Except as herein otherwise specifically provided, rates charged for water furnished for use inside the city limits of the City and County of Denver shall be uniform as far as practicable and so related to the service furnished or the volume of water used as to bring about a fair and equitable distribution among all water users of the total amount to be realized from revenues derived from the sale of water used within the City and County of Denver. No special rate of discount shall be allowed to any property, entity, person or class of persons except as in this charter specifically provided.

C4.24 Enforcement of charges. The Board may enforce the payment of any charge by discontinuing service to the premises at which the charge arose without regard to the ownership or occupancy of such premises. Payment in advance, or deposit in lieu thereof, may be required by the Board to whatever extent it finds such practice conducive to prompt payment of amounts due on account of water service.

C4.25 City rates. Commencing January 1, 1960, the Board shall furnish water to the municipal government of the City and County of Denver at rates which shall approximately equal but not exceed the cost of the water furnished, not including items on such rate for debt service, additions, extensions or betterments, but such rate shall not be applicable to agencies or authorities sponsored by or supported by the City and County. The Board shall own, control and operate all water, water rights, structures and facilities of the City and County of Denver pertaining to the Farmers and Gardeners Ditch and the City Ditch. The Board shall furnish water out of the City Ditch or some equivalent source for the use of Denver in City Park and Washington Park, without any charge whatsoever.

C4.26 Water leases. The Board shall have power to lease water and water rights for use outside the territorial limits of the City and County of Denver, but such leases shall provide for limitations of delivery of water to whatever extent may be necessary to enable the Board to provide an adequate supply of water to the people of Denver and provided, further, that every such lease shall contain terms to secure the payment into the Water Works Fund of sufficient money to fully reimburse the people of Denver for the cost of furnishing the water or water right which is the subject of such lease together with an additional amount to be determined by the Board. Sales at amounts less than the above minimum may be made if warranted by economic conditions, but a contract providing for such lesser charge shall not extend for more than one year.

C4.27 Expenses. The entire cost of the operation and maintenance of the water works system and plant under the control of the Board, including the salaries of the Board and its employees, and for additions, extensions and betterments, shall be paid from the Water Works Fund. No money shall be expended from the revenues of the water works plant for additions, extensions or betterments in any year until the expense of maintenance and operation and the current year's debt service shall have been provided for. The monies in water works fund shall not be used for any purpose except the management, operation and maintenance of said water works system and plant, including additions, extensions and betterments, for recreational opportunities incidental thereto, and for the payment of interest and principal on bonds, the proceeds of which were or shall be used for water works purposes. (Amended August 11, 1992)

C4.28 Bonded indebtedness. Revenue bonds or general obligation bonds, the proceeds of which shall be placed in the Water Works Fund and expended by the Board of Water Commissioners for water works purposes, for establishing reserves in connection with such bonds or for refunding the principal of and interest on bonds theretofore issued, all in the sole discretion of the Board, may be issued upon approval of the same class of electors as is provided for approval of issuance of general obligation bonds of the City and County of Denver. Revenue bonds shall be payable as to interest and principal solely from the net revenues of the water department. General obligation bonds shall be secured by the general credit of the City and County of Denver and payable as to interest and principal from general ad valorem taxes which may be levied without limitation of rate or amount. The Board may commit itself to pay and may pay the principal and interest on such general obligation bonds from revenues of the Water Department. The Board's commitment to pay the principal and interest on such revenue bonds or such general obligation bonds from revenues of the Water Department shall be irrevocable. The Board shall furnish the Treasurer and Auditor with a written statement of its plan of repayment of bonds and interest for the payment of which it is committed and any amendment thereto. In case the Board commits itself to pay the principal and interest upon bonds which, at the time of such commitment, are proposed for authorization by vote, the appropriate officers of the City and County of Denver shall submit the question of the issuance of such bonds to a vote at the earliest possible general municipal election, unless the Board shall request that such question be submitted at a special election, in which event the question shall be submitted on the date requested by the Board, provided that the cost of such special election submission shall be paid for out of the Water Works Fund and provided further that a question so submitted shall not be regarded as having been submitted at a municipal election for the purpose of determining the number of municipal elections which may be held in any one calendar year. If a bond proposal so submitted shall be approved by a majority of the qualified electors voting on such proposal, the bonds so authorized shall be sold and issued by action of the Board and no other ratification or authorization shall be required. The Board resolution taking such action shall be deemed "the instrument authorizing the public securities" as that term is used in Section C6.8-3 of the Charter. Bonds so issued shall be authenticated in such manner as may be required by the Board, unless the bonds are issued in book entry form without the delivery of physical securities as further provided in Section C6.8-3 of this Charter. Bonds authorized for water works purposes, but not issued at the time this Charter provision becomes effective, may be issued in the same manner and with the same effect as is herein provided for bonds to be hereafter authorized. The Board shall have power to liquidate the principal of any bond for which it has accepted liability when such bond becomes payable, by use of proceeds of the issuance of a new bond, or bonds, without an election, provided the maturity of such substituted obligation shall occur within fifty (50) years from the time of first use of the facility constructed or acquired by funds derived from sale of the originally authorized bond or bonds, provided said period of fifty (50) years may be extended by authority of the electors qualified to authorize issuance of bonds. Bonds heretofore or hereafter issued for water works purposes shall continue to be excluded from the determination of any limit upon the indebtedness of the City and County of Denver. (Amended May 17, 1983 and August 11, 1992)

C4.29 Bonds of annexed areas. In case the water works facilities of an annexed municipal or quasi-municipal corporation shall become part of the Denver Municipal Water System under control of the Board, the Board may obligate the Water Works Fund for unpaid bonds, and interest thereon of the former municipal or quasi-municipal corporation, to the full extent of the value of such newly controlled water works facilities, but not including any bonds whose proceeds were not used for acquisition of such facilities. ~~Any obligation so accepted may be liquidated in the same manner as provided for bonds originally issued by authority of the Board.~~

C4.30 Board Organization. The Board shall adopt rules governing its organization, the calling of special meetings and the conduct of its business. A majority of the Board shall constitute a quorum ~~and all action by~~ the Board shall be taken by a majority of the whole Board and not otherwise.

C4.31 Rules and Regulations. The Board may also adopt rules and regulations with respect to any matter within its jurisdiction as defined by Charter. It may provide for enforcement of its rules and regulations by imposing special charges in an amount reasonably calculated to secure compliance or recompense for water loss, and to reimburse the Board for expenses arising out of violation. In addition to any other lawful remedy, enforcement procedure may include refusal to supply water to a property involved. The City and County of Denver by ordinance may supplement Board Rules and Regulations and provide penalties for the violation of such an ordinance in the same manner as penalties are provided for the violation of other ordinances. Rules adopted by the Board and within its authority shall supersede any conflicting ordinance provision.

C4.32 Publication of Rules and Regulations. Rules and regulations adopted by the Board shall be effective after they shall have remained posted in a conspicuous public place in the principal business office of the Board for a period of fifteen calendar days. Whenever immediate application of a rule or regulation by the Board is necessary for the preservation of the public peace, health or safety, the Board may so declare, and such rule or regulation shall thereupon become effective immediately upon being posted as hereinabove provided. No further or other publication of the Board rules or regulations shall be required but the Board may cause such further publication as it may deem to be in the best interests of the public. All rates, rules and regulations of the Board shall be in writing and conveniently bound so as to be available for public inspection during regular business hours at the principal business office of the Board.

C4.33 Continuity of Control of Water. The Board may make provision for retaining dominion over the water supply under its control through successive uses of such water, provided that to whatever extent such provision requires establishment of relationships respecting handling of sewage within the territorial limits of the City and County of Denver, such relationships shall be upon terms provided for by Ordinance, legislative authority thereto being hereby granted.

C4.34 Public Liability. Before the City and County of Denver shall be liable for personal injuries or property damages arising out of the operation of the Water Works System and Plant under the control of the Board, the person or entity so injured or damaged, or someone on his/her behalf, shall, at the earliest feasible time, but in any event within sixty days after receiving such injury or damages, give the Manager of the Water Department notice in writing of such injury or damages stating fully in such notice who was injured or whose property was damaged and when, where and how the injury or damage occurred, and the extent thereof.

C4.35 Disposition of Former Charter Authority. Section 282 to 293, inclusive, and Section 295 of the Charter of the City and County of Denver shall have no application to the Board of Water Commissioners and the duties of the Board of Public Works therein referred to shall devolve upon the Manager of Public Works. Section 296, 297, 297-A and 297-B of the City Charter as those sections appeared in the 1953 Compilation of said Charter are hereby suspended as to any future operation but without vitiating or modifying any authority or obligation undertaken during the period when they were in force. Any and all parts of the Charter in conflict herewith are hereby repealed.

SALLY RAISBECK
427 Liholiho Street Wailuku HI 96793
808-244-9604, sally@maui.net

To: Chair and Members, Maui Charter Commission
Date: January 15, 2002

**SUBJECT: PROPOSED CHANGES TO THE MAUI COUNTY CHARTER
CONCERNING THE WATER DEPARTMENT**

**A. TWO ALTERNATIVE PROPOSALS SHOULD BOTH GO OUT FOR PUBLIC
HEARING**

Two different proposals have been presented to the Commission regarding charter changes affecting the Department of Water Supply. Both attempt to address the fact, which everyone agrees on, that the semi-autonomous status currently in force has grave drawbacks and is not working.

Seemingly, the commission prefers the alternative put forward by Mr. Bagoyo, which removes the current authority of the Mayor and the Council over the rates and rules set by the Board of Water Supply.

Another alternative has been supported by serious, responsible people with long service to the county. These people include Councilmembers Charmaine Tavares, Bob Carroll, and Alan Arakawa. Former Mayor Linda Lingle also supported this alternative during her term of office. This would make the Department of Water Supply a regular county department under the Mayor, with an advisory Board of Water Supply.

The best way to bring out all the pros and cons for each proposal is to submit both of them for public hearing. If only one were submitted, its pros and cons would be compared to the status quo, which everyone agrees is not working.

If both are submitted, the pros and cons of each can be compared directly.

It would be premature for the members of this Commission to choose one proposal over the other at this point. The proper course is to let the public testify on each proposal at the public hearings over the next few months. Any decision could then be based on a more complete record.

B. CONFLICT OF INTEREST

Conflict of interest is a matter of financial relationships. It does not imply that someone is a bad person or that something corrupt is occurring. Surprisingly, conflict of interest is not connected with how a person votes. It is determined only by the existence of certain financial ties to a situation.

When Linda Lingle and Goro Hokama were both on the Council, a matter came before them regarding Kapalua. Probably a major permit was involved. Linda was found to have a conflict of interest for the following reason: her husband was the personal attorney for Colin Cameron. Colin Cameron was chairman of Maui Land and Pineapple Company, which owned Kapalua.

Linda had already announced that she planned to vote against ML&P's position, nevertheless she was found to have a conflict of interest and was not allowed to vote.

I found this result irritating, since Goro Hokama was an employee of Lanai Company, and he invariably voted on matters involving that company. He had been chair of the Council for some years, and had been on the Council (as its Lanai representative) and the Board of Supervisors for over 40 years. I asked the Board of Ethics for an Advisory Opinion as to whether he should be voting on Lanai Company matters, and based on the ethics rules in the Charter they said he should not.

Goro immediately appealed to the Hawaii Supreme Court, who said we had used the wrong procedure, it should have been a "complaint", and sent it back to the Ethics Board.

However, Goro ceased to vote on matters involving the Lanai Company for the rest of his time on the Council, and his successor, Sol Kaho'ohalahala, who was also an employee of the company, also did not vote on matters involving the company.

Linda Lingle, Goro Hokama, and Sol Kaho'ohalahala are people I respect very much, but financial ties existed that caused a conflict of interest.

C. THREE MEMBERS OF THE COMMISSION HAVE A CONFLICT OF INTEREST REGARDING THE WATER DEPARTMENT

Three members of the Charter Commission are important officers of large corporations on Maui. Each of these corporations has intricate and extensive business dealings with the Water Department and the Board of Water Supply.

1. Donn Takahashi, the Maui Prince.

The Maui Prince, including the Makena Resort, was a member of the Central Maui Source Joint Venture, in which four private entities and the county developed water from Iao Aquifer to supply the development of South Maui. That 25-year agreement ended recently in a major and lengthy controversy, with secret mediation meetings which were apparently unsuccessful. Rumor had it that Wailea ended up with more than its share, Makena Resort got less than its share.

Some people say the agreement is ended, some say it is ongoing, some Joint Venture members say the water department still owes them water, some say Makena Resort might sue the county.

The problem is made more acute by the fact that the US Geological Survey has said the current rate of pumping from the Iao Aquifer, 20 million gallons a day (mgd), is not sustainable in the long run.

The Makena Resort currently has an application for rezoning before the Council which would require I believe about 2 mgd of new water.

2. Steve Holaday, HC&S (A&B subsidiary).

HC&S has diverted the water from all of the East Maui streams from Nahiku to Paia for over a hundred years. This water is used to raise sugar in Central Maui. To get an idea of scale, their average draw from the ditches was said to be 167 mgd, with a maximum over 400 mgd. Of that, the county pays them for about 8 mgd, to supply most of the drinking water for Upcountry.

Over half the water in the ditches comes from State-owned land in East Maui, and HC&S and A&B hold leases from the DLNR to take that water. Those leases were once 50-year leases. They are currently temporary month-to-month leases, and A&B has recently asked for a new 30-year lease. It is ironic that the County pays A&B more for its 8 mgd than A&B and HC&S pay the state for the leases on all the water.

Some people feel that the County ought to hold those leases, and control that water, rather than having to negotiate with A&B whenever they need more water Upcountry. The Board of Water Supply has not pursued this idea, however.

This situation is made more complex by the August 2000 decision by the Hawaii Supreme Court, (the Waiahole Ditch case), which affirmed strongly that ALL water in Hawaii is a public trust, with the State as trustee. Both stream water and ground water are part of that public trust. Water is NOT private property. The decision also affirmed strongly that stream-flow standards must be set, meaning that water must be released back into the streams in the future. There is also a legal question about whether water used for sugar irrigation can be transferred to support real estate development.

3. Vince Bagoyo, Lanai Company.

Lanai is a unique situation, where the company owns 98 percent of all land, and most residents are employed by the company. In some ways it is more like a feudal fiefdom than a modern democracy. Nevertheless, citizens at one point petitioned to have Lanai declared a water management area. Their fear was that the company's plans for golf courses and resort hotels would not leave enough water

for pineapple growing, which at the time was the main employment for residents. The company explained that there was enough water for both, and resort development would provide more employment, not less. Lanai was not declared a water management area, the company developed the resorts and golf courses, and a few years later the pineapple plantation closed.

Any Water Use and Development Plan developed by the Board of Water Supply could strongly affect the Lanai Company.

D. SUMMARY

- 1. Two alternative proposals should both go out for public hearing, in order to have the most complete basis for deciding between them.**
- 2. Mr. Takahashi, Mr. Holaday, and Mr. Bagoyo should recuse themselves from voting on the restructuring of the Water Department, because of the extensive business dealings of their companies with the Water Department and Board of Water Supply.**

DRAFT

MAUI CHARTER COMMISSION

Possible Charter Amendments

(January 14, 2002)

Proposals Definitely to Be Presented to the Community for Input in the January-March 2002 Meetings

* (3-1) Maintain the present system of at-large council elections, with requirements that the nine councilmembers live in nine defined areas of the County, and maintain the requirement that one councilmember be from each of Lana'i, Moloka'i, and East Maui (as presently defined), but adjust the other six districts so that they each have about the same numbers of registered voters in them. (This adjustment will require expanding the size of the West Maui district somewhat and reducing the size of the South Maui district somewhat.) (As a housekeeping matter, the descriptions of the districts need to be adjusted to reflect the current precinct numbering.)

* (3-2) Extend the term of each councilmember from two years to four years, with staggered terms for councilmembers (*i.e.*, five will be elected in one election, and the four others will be elected two years later). (In the first election, the five receiving the largest votes will have four year terms, and the next four will have two year terms.)

* (3-2) Eliminate term limits for councilmembers. (Term limits are now set at five terms, or ten years).

* (3-2 and 7-2) Revise so that a candidate receiving more than 50% of the vote in the first special election for Council or Mayor will be deemed elected.

* (3-8.2) Revise so that councilmembers can talk to and obtain information from county employees or officers directly (without going through the Mayor), but reaffirm the requirement that councilmembers cannot give orders to county personnel either publicly or privately.

* (8-2.3) Clarify the role of the Corporation Counsel to recognize the broad responsibility of this office to represent the County in a variety of situations (1) by changing the present language of 8-2.3(b) ("Be the chief legal advisor and legal representative of the council, the mayor, all departments, all boards and commissions, and of all officers and employees in matters relating to their official duties.") to a broader formulation ("Be the chief legal advisor and legal representative of the County of Maui, through the council, the mayor, all departments, all boards and commissions, and of all officers and employees in matters relating to their official duties.") and (2) by changing the present language of 8-2.3(d) ("Perform such other duties and functions as shall be assigned by the mayor.") to a broader formulation ("Perform such other duties and functions as may be incident to the department or required by law.").

* (8-7.4) Give the Public Safety Commission the power to hire and fire the Fire Chief (providing the Fire Chief the same due process protections now provided to the Police Chief in Section 8-12.3), *and also* give the Public Safety Commission the same power to review the budget of the Department of Fire Control that the Police Commission has regarding the Department of Police (in Section 8-12.2(2)).

* (8-8) Department of Planning – Revise the responsibilities of the Planning Commission by:

** Requiring the Department to prepare and administer (a) long range planning programs to implement the General Plan and (b) a cultural resources management program (Section 8-8.3).

** Requiring the Department to enforce zoning ordinances (Section 8-8.3).

** Requiring the Planning Commissions to review and take action on revisions to the general plan and other land use ordinances and amendments within defined time limits (180 and 120 days) after the final public hearing (Section 8-8.4).

** Clarify the purpose and nature of the General Plan, incorporating language from Hawai'i Revised Statutes Section 226-58 regarding county general plans (Section 8-8.5).

** Clarify the role of the Citizen Advisory Councils in the planning process, by adding language saying that "The community plans generated through the citizen advisory councils and accepted by the planning commission and county council pursuant to the deadlines in this chapter are part of the general plan." (Section 8-8.5).

** Require the County Council to review and take action on revisions to the general plan and other land use ordinances and amendments within defined time limits (one year and 180 days) after transmittal (Section 8-8.6).

* (Article 9 & 8-6) Commit the County to a program of acquiring more land for open space (but leaving the details of the program for subsequent legislative development), by adding language to the Charter that would establish a fund to purchase and conserve lands that are valuable to the public and visitors as parks, recreation areas, open space, view corridors, natural resources, and wildlife habitats, including beaches, coastal areas, forests, watersheds, and cultural and historic sites, with the requirement that the remaining balance in the fund at the end of each fiscal year shall not lapse, but shall remain in the fund, accumulating from year to year.

* (Articles 11 & 12) Initiative and recall – revise these provisions to enable citizens to utilize these procedures more readily by requiring the signatures of 10% of the number of persons who actually voted in the last general election (rather than the current requirement of 20% of the registered voters) *and* increasing the time limit to obtain the signatures from 30 to 90 days.

* Revise all language that is not gender-neutral – "chairman" "vice-chairman" (3-5.1, 3-5.2; 13-2(a), 9-18, 13-2.9); "he" (4-3.1, 4-3.2, 10-2.5, 10-4.1.b, 12-5.2, 12-9); "his" (403.1, 8-15.1, 10-4.1.a, 10-4.1.b, 10-4.1.c, 12-3.4.b, 12-5.2); "him" (8-1.3.f, 10-4.1.a), *and* eliminate the second sentence in 13-15 "When any personal pronoun appears in this charter, it shall be construed to mean either sex."

Still Under Consideration for Possible Presentation to the Community in the January-March 2002 Meetings

* (8-11) Water Board – Should it have more autonomy? – Or less? – Should it have the power to determine rates? [Now rates are determined by the Board, but come into force only if approved by the Mayor and the Council, and the Mayor's approval can be vetoed by a two-thirds vote of the Council.] Should Board members have engineering experience? At least some? Should board members be paid? Does the Water Dept. need a second Deputy Director?

* (Article 10) Issues related to ethics – problem on Lana'i related to employees of Lana'i Company – eliminate 10-4.1.d (because it is inconsistent with other provisions)?

* (13-2) Are there too many boards and commissions [currently 34, with 14 established in the Charter]? Should some be consolidated? Should the length of service be reduced from five to three years? Should they continued to be required to meet in county facilities?

* (8-16.1) Salary Commission – should any adjustments be made in its composition or functions?

No Longer Under Consideration for Presentation to the Community

* (Article 3) Should Councilmembers be considered to be "full-time"? Should the Salary Commission (8-16.1) continue to have authority to establish their salary, but with additional guidelines?

* (3-3 and 7-3) Residency requirement for candidates for office – now 90 days – should it be lengthened? Who determines whether the qualification requirements are met? Court?

* (4-1) What is the effect of a "resolution" enacted by the Council? Should this be clarified?

* (7-2) Extension of the length of the term of the Mayor

* (Article 8) Council confirmation of department heads and managing director (other than Corporation Counsel and Prosecuting Attorney)

* (Article 8) Minimum qualifications for department heads – college degree? – or equivalent experience/ – should such minimums be in the Charter, or removed altogether? – or should qualifications be listed separately for each department head? – should experience levels be raised from 3-5 years to 8-10 years?

- * (Article 8) Deputy directors – are they needed in all departments?
- * (8-1.2) Changes regarding the qualifications for Managing Director
- * (8-2.2) Corporation Counsel – process of removal
- * (8-2) Public Justice Commission to provide oversight over Corporation Counsel – to determine its proper role – is it to be as an advocate or adversary, or to provide legal advice – how to balance responsibilities to Mayor with those to County Council? – How are assignments to be given to the Corporation Counsel?
- * (8-3) Changes regarding qualifications and responsibilities of Prosecuting Attorney
- * (8-6) Should there be a Parks Commission? – What would be its role? Who should it report to?
- * (8-8.2) Changes regarding minimum qualifications for Planning Director.
- * (Article 9) Budget process – should there be a cap on indebtedness? Should the dates regarding the development of the budget be coordinated more closely with the dates utilized by the legislature?
- * (13-2) Gender equality on boards and commissions?
- * (13-11) Runoff elections – how should they be conducted?
- * (13-11) Instant Runoff Voting

Housecleaning Matters– Technical Matters Requiring Changes

- * (3-1) Language referring to geographical boundaries of geographical areas for Council seats.
- * References to political parties (in light of the nonpartisan elections) – filling vacancies (3-4.1), boards and commissions (13-2.2)
- * (3-3, 7-3) Process of determining when a vacancy on the Council has occurred –current language refers to the time a member “is adjudicated guilty of a felony” (or for the mayor, “guilty of a crime”)– but should it be the time of “sentencing”? – Uniform Status of Convicted Persons Act – – Should the language in 3-3 and 7-3 be made consistent – now “felony” for

councilmembers but “crime involving moral turpitude” for the mayor? If “moral turpitude” is going to stay in the Charter, should it be defined?

* Capitalization of “To” (3-6.4); “Planning” in 8-8.4 [otherwise departments and titles are not capitalized – should we keep that format?][Are these just typos?]

* Hawaiian-language spellings of proper names?

* Reference to 2001 in 14-3 (Charter Review Commission)

* Revise 14-3 because it is inconsistent with H.R.S. Chapter 50.

* Delete Section 14-4 (Special Charter Commissions) as obsolete

* 15-1 seems somewhat obsolete, as well – update? In fact, all of Article 15 seems like it is no longer applicable or relevant.

PROS AND CONS OF THE PROPOSED CHARTER AMENDMENTS

PROPOSAL ONE -- ADJUST COUNCIL DISTRICTS:

(3-1) Maintain the present system of at-large council elections, with requirements that the nine councilmembers live in nine defined areas of the County, and maintain the requirement that one councilmember be from each of Lana`i, Moloka`i, and East Maui (as presently defined), but adjust the other six districts so that they each have about the same numbers of registered voters in them. (This adjustment will require expanding the size of the West Maui district somewhat and reducing the size of the South Maui district somewhat.) (As a housekeeping matter, the descriptions of the districts need to be adjusted to reflect the current precinct numbering.)

Pros:

- * Maintaining the at-large election system ensures that all **councilmembers will work for the benefit of the County as a whole**, rather than for programs that might benefit only one part of the County.
- * Maintaining the residency requirements ensures that **all areas of the County have some representation** and voice in the Council's decisions and deliberations.
- * Maintaining the requirement that one councilmember be from each of Lana`i, Moloka`i, and East Maui **ensures that the people in these rural areas distant from the County seat have a voice when Council decisions are made**, and provides some compensation for their geographical disadvantage of having difficulty in physically participating in Council meetings.
- * Adjusting the lines defining the other six districts will bring the County in closer conformity to the one-person/one-vote principle which governs voting across the United States.

Cons:

- * Utilizing an at-large system of voting **imposes greater costs on candidates campaigning** for Council seats, **reduces the linkage** between the Councilmembers and the voters, and means that the decisions regarding who is elected (even for the remote rural areas) are ultimately made by voters in those areas of the County with the greatest population (*i.e.*, Kahalui and Wailuku).
- * Maintaining seats for the less populated rural areas (Lana`i, Moloka`i, and East Maui) is **inconsistent with the one-person/one-vote principle**, because these areas have substantially fewer registered voters than the other six districts.
- * Adjusting the boundaries of the six districts will require area now in the South Maui District to be moved to the West Maui District.

PROPOSAL TWO -- LENGTHEN TERMS OF COUNCILMEMBERS FROM TWO (2) TO FOUR (4) YEARS.

(3-2) Extend the term of each councilmember from two years to four years, with staggered terms for councilmembers (*i.e.*, five will be elected in one election, and the four others will be elected two years later). (In the first election, the five receiving the largest votes will have four year terms, and the next four will have two year terms.)

Pros:

- * Councilmembers would have the time to develop and pursue a **more comprehensive legislative agenda** during their term.

- * The Council would have **greater continuity**, and a complete changeover of councilmembers would never occur. Currently all nine council seats could change hands, bringing in a completely new, and inexperienced, group of councilmembers.

- * Councilmembers would **not have to campaign as frequently**, thus reducing the need to raise campaign contributions and to engage in countywide campaigns.

Cons:

- * Councilmembers would be **somewhat less accountable** to the electorate, because they would not have to face reelection as frequently.

PROPOSAL THREE – ELIMINATE TERM LIMITS FOR COUNCILMEMBERS

(3-2) Eliminate term limits for councilmembers. (Term limits are now set at five consecutive two-year terms, for a total of ten years).

Pros:

- * Councilmembers would be **able to develop expertise** on legislative procedures and provide an institutional memory to promote continuity of decisionmaking.

- * A strong and well-functioning Council can provide **balance** to the power of the Mayor.

- * The **wishes of the electorate** can be fulfilled when the voters wish to maintain an individual in office after long years of service.

Cons:

- * Councilmembers with long years of service may **accumulate power**, and may **abuse** this

power.

* Less frequent turnover of councilmembers will reduce the opportunities for “new blood” and new ideas.

PROPOSAL FOUR – ELIMINATE SECOND ELECTION IF A CANDIDATE RECEIVES 50% OF THE VOTE IN THE FIRST ELECTION.

(3-2 and 7-2) Revise so that a candidate receiving more than 50% of the vote in the first special election for Council or Mayor will be deemed elected.

Pros:

* A candidate who receives more than 50% of the vote in the first special election (held at the time of the state primary election) will have the support of the **majority of the voters**, and hence should be deemed to be the victor.

* Eliminating the requirement of running again in the second special election (held at the time of the state general election) will **save substantial amounts of time and money** for the candidate, and will also save money for the governmental bodies running the election.

Cons:

* **Fewer voters** vote in the first special election than the second special election (because the first is held at the time of the state primary and the second is held at the time of the state general election), so the outcome in the first special election may not fully reflect the wishes of the electorate.

PROPOSAL FIVE – ALLOW COUNCILMEMBERS TO TALK TO AND OBTAIN INFORMATION DIRECTLY FROM COUNTY OFFICERS AND EMPLOYEES.

(3-8.2) Revise so that councilmembers can talk to and obtain information from County employees or officers directly (without going through the Mayor), but reaffirm the requirement that councilmembers cannot give orders to County personnel either publicly or privately.

Pros:

* This change will give councilmembers **the same right** that the general public now has to communicate directly with County employees and officers and obtain information from them.

* **The Mayor will not be able to interfere** with the ability of councilmembers to obtain information relevant to their responsibilities.

* Councilmembers will not be able to give assignments or instructions to County officers or employees.

Cons:

* County officers and employees will receive additional requests for information, and may have difficulty in responding to these requests in a timely fashion.

PROPOSAL SIX – CLARIFY THE RESPONSIBILITIES OF THE CORPORATION COUNSEL

(8-2.3) Clarify the role of the Corporation Counsel to recognize the broad responsibility of this office to represent the County in a variety of situations (1) by changing the present language of 8-2.3(b) (“Be the chief legal advisor and legal representative of the council, the mayor, all departments, all boards and commissions, and of all officers and employees in matters relating to their official duties.”) to a broader formulation (“Be the chief legal advisor and legal representative of the County of Maui, through the council, the mayor, all departments, all boards and commissions, and of all officers and employees in matters relating to their official duties.”) *and* (2) by changing the present language of 8-2.3(d) (“Perform such other duties and functions as shall be assigned by the mayor.”) to a broader formulation (“Perform such other duties and functions as may be incident to the department or required by law.”).

Pros:

* This change would make it clear that the Corporation Counsel is responsible for representing the County of Maui in all respects, and does not solely represent the Mayor. With this change, it would be clear that the Corporation Counsel represents the Council and the independent boards and commissions as well as the executive branch of the County.

Cons:

* The Corporation Counsel may face conflicts when the interests of the Mayor conflict with that of the Council or the independent boards and commissions.

PROPOSAL SEVEN – GIVE THE PUBLIC SAFETY COMMISSION THE RESPONSIBILITY TO HIRE AND FIRE THE FIRE CHIEF (WITH DUE PROCESS PROTECTIONS GIVEN TO THE CHIEF), AND TO REVIEW THE BUDGET OF THE DEPARTMENT OF FIRE CONTROL.

(8-7.4) Give the Public Safety Commission the power to hire and fire the Fire Chief (providing the Fire Chief the same due process protections now provided to the Police Chief in Section 8-12.3), *and also* give the Public Safety Commission the same power to review the budget of the Department of Fire Control that the Police Commission has regarding the

Department of Police (in Section 8-12.2(2)).

Pros:

* These changes will give the Public Safety Commission **responsibilities similar to those now held by the Police Commission**, namely the power to hire and fire the Fire Chief and the power to review the budget of the Department of Fire Control.

* The proposed changes would give the Fire Chief the **same due process protections** now given to the Police Chief in the event of an effort to terminate the employment of the Chief.

Cons:

* These proposed changes would **reduce the power of the Mayor** over the Department of Fire Control, and would thereby, to some extent, reduce the direct accountability regarding activities of the Department.

PROPOSAL EIGHT – CLARIFY THE RESPONSIBILITIES OF THE DEPARTMENT OF PLANNING WITH REGARD TO LONG-RANGE PLANNING, CULTURAL RESOURCES, ENFORCEMENT, TIMELY DECISIONMAKING, AND THE COMMUNITY PLANS.

* (8-8) Department of Planning – Revise the responsibilities of the Planning Commission by:

** Requiring the Department to prepare and administer (a) long range planning programs to implement the General Plan and (b) a cultural resources management program (Section 8-8.3).

** Requiring the Department to enforce zoning ordinances (Section 8-8.3).

** Requiring the Planning Commissions to review and take action on revisions to the general plan and other land use ordinances and amendments within defined time limits (180 and 120 days) after the final public hearing (Section 8-8.4).

** Clarify the purpose and nature of the General Plan, incorporating language from Hawai'i Revised Statutes Section 226-58 regarding county general plans (Section 8-8.5).

** Clarify the role of the Citizen Advisory Councils in the planning process, by adding language saying that "The community plans generated through the citizen advisory councils and accepted by the planning commission and county council pursuant to the deadlines in this chapter are part of the general plan." (Section 8-8.5).

** Require the County Council to review and take action on revisions to the general plan and other land use ordinances and amendments within defined time limits (one year and 180 days) after transmittal (Section 8-8.6).

Pros:

* These proposed changes will **clarify** the Department of Planning's responsibilities, particularly with regard to the central role of the General Plan in guiding the County's growth.

* The importance of long-range planning and protection of cultural resources will be emphasized.

* These changes will emphasize the necessity to enforce zoning ordinances.

* These changes will **strengthen the importance of the community plans** generated by the Citizen Advisory Councils.

* These changes will promote timely action regarding changes to the General Plan and other land use ordinances and amendments.

Cons:

* These changes will impose greater workload responsibilities on the Department of Planning.

* By requiring timely action on proposed amendments to the General Plan and on other land use ordinances and amendments, these changes may require that action be taken before full consideration of the changes has been completed.

* By strengthening the importance of the community plans generated by the Citizen Advisory Councils, these changes may reduce the role of trained planners in the Department of Planning.

PROPOSAL NINE – COMMIT THE COUNTY TO A PLAN OF OPEN-SPACE ACQUISITION

(Article 9 & 8-6) Commit the County to a program of acquiring more land for open space (but leaving the details of the program for subsequent legislative development), by adding language to the Charter that would establish a fund to purchase and conserve lands that are valuable to the public and visitors as parks, recreation areas, open space, view corridors, natural resources, and wildlife habitats, including beaches, coastal areas, forests, watersheds, and cultural and historic sites, with the requirement that the remaining balance in the fund at the end of each fiscal year shall not lapse, but shall remain in the fund, accumulating from year to year.

Pros:

* This proposal will commit the County to a program of open-space acquisition, but will give the Mayor and Council flexibility to determine the actual budgetary amounts that should be committed to this program.

* By establishing a fund that will retain and accumulate unspent moneys from year to year, the County will maintain a growing resource to utilize in purchasing land for open space as such land becomes available.

Cons:

* This proposal will require the County to acquire additional land for open space rather than utilizing other strategies, such as zoning of privately-owned land, to maintain open space.

PROPOSAL TEN – REDUCE THE SIGNATURE REQUIREMENTS FOR INITIATIVE AND RECALL.

* (Articles 11 & 12) Initiative and recall – revise these provisions to enable citizens to utilize these procedures more readily by requiring the signatures of 10% of the number of persons who actually voted in the last general election (rather than the current requirement of 20% of the registered voters) *and* increasing the time limit to obtain the signatures from 30 to 90 days.

Pros:

* By reducing the number of signatures required and extending the time period in which such signatures can be obtained, these proposed changes will **make it easier** for citizen groups to put questions on the ballot through the initiative process and to require that a vote be taken on elected officials through the recall process.

* The existing **protections against abuse of the initiative process will be retained** – *i.e.*, topics related to financial matters, personnel matters, and emergencies cannot be addressed through the initiative process *and* the Council will still be authorized to enact legislation concerning an initiative topic before the initiative is put on the ballot.

Cons:

* The initiative and recall process **can be abused by special interest groups** utilizing financial resources (sometimes from outside the County) to hire persons to obtain signatures and conduct advertising campaigns.

PROPOSAL ELEVEN – UTILIZE GENDER-NEUTRAL LANGUAGE THROUGHOUT THE CHARTER.

Revise all language that is not gender-neutral – “chairman” “vice-chairman” (3-5.1, 3-5.2;13-2(a), 9-18, 13-2.9); “he” (4-3.1, 4-3.2, 10-2.5, 10-4.1.b, 12-5.2, 12-9); “his” (403.1, 8-15.1, 10-4.1.a, 10-4.1.b, 10-4.1.c, 12-3.4.b, 12-5.2); “him” (8-1.3.f,10-4.1.a), *and* eliminate the second sentence in 13-15 “When any personal pronoun appears in this charter, it shall be construed to mean either sex.”

Pros:

* This proposed change will emphasize the **inclusive nature** of the Maui County Government and **confirm the commitment of Maui County to recognizing the equal worth of every individual.**

* Previous Charter Commissions have sought to remove gender-specific language, but a few gender-specific terms can still be found in the Charter.

* This change will make the Charter consistent with other governing documents, including the Hawai'i State Constitution and the Hawai'i Revised Statutes.

Cons:

* This change will mark a departure from the earlier usage whereby male pronouns and words were utilized to cover individuals of both sexes.

JAMES "KIMO" APANA
Mayor

DAVID C. GOODE
Director

WILTON M. ARAKAWA, A.I.C.P.
Deputy Director

Telephone: (808) 270-7845
Fax: (808) 270-7955

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JAN 14 AM 8:57



cc: HMM BTH
RALPH NAGAMINE, L.S., P.E.
Land Use and Codes Administration

Wastewater Reclamation Division

LLOYD P.C.W. LEE, P.E.
Engineering Division

BRIAN HASHIRO, P.E.
Highways Division

Solid Waste Division

OFFICE OF THE MAYOR COUNTY OF MAUI
**DEPARTMENT OF PUBLIC WORKS
AND WASTE MANAGEMENT**

200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793

January 11, 2002

Honorable James "Kimo" Apana
Mayor, County of Maui
200 South High Street
Wailuku, Maui, Hawaii 96793

APPROVED FOR TRANSMITTAL

Brancyn Chuan 1/14/02
Mayor Date

For transmittal to:

Ms. Terry Vencl, Chair
Maui Charter Commission
200 South High Street
Wailuku, Maui, Hawaii 96793

Dear Chair Vencl:

SUBJECT: DRAFT AMENDMENTS TO CHAPTER 5 OF THE
CHARTER OF THE COUNTY OF MAUI

Enclosed is a ramseyered version of amendments to Chapter 5 of the Charter of the County of Maui. The changes reflect:

- Recognition of a single deputy director.
- Separate, distinct mention of the responsibilities relating to the Solid Waste and Wastewater Divisions.
- Identification of recycling and reclaimed water programs.
- Removal of reference to building maintenance responsibilities (this would be covered under "Other Duties Assigned by the Mayor").

Madam Chair, these proposed changes reflect some of the concerns raised by your Commission at the January 7, 2002 meeting, as well as the Department's position on several issues.

02 JAN 15 P3:48
COUNTY OF MAUI
PUBLIC WORKS

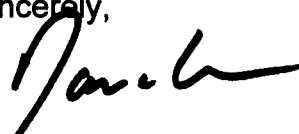
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Honorable James "Kimo" Apana
For transmittal to:
Ms. Terryl Vencel, Chair
January 11, 2002
Page 2

The Department feels that a) splitting up the Department and b) including transportation are not advisable until such time that the Department grows substantially and that the County adopts a policy on implementing public transit.

If you have any questions, feel free to call me.

Sincerely,



DAVID GOODE
Director

DG:jso

Enclosure

c: Milton Arakawa, AICP, Deputy Director of Public Works and Waste Management
Grant Y. M. Chun, Managing Director
✓ James B. Takayasu, Corporation Counsel
s:\david\transmittal\charteramendments

CHAPTER 5 DEPARTMENT OF PUBLIC WORKS AND WASTE MANAGEMENT

Section 8-5.1. Organization. There shall be a department of public works and waste management consisting of a director, a deputy director, and the necessary staff. (Amended 1996, 1992)

Section 8-5.2. Director of Public Works and Waste Management. The director and deputy director of public works and waste management shall be appointed and may be removed by the mayor. The director of public works and waste management shall have had a minimum of five years of experience in an administrative capacity, either in public service or private business, or both. (Amended 1992)

Section 8-5.3. Powers, Duties and Functions. The director of public works and waste management shall: (Amended 1992)

1. Administer the building, housing, and subdivision ordinances and rules adopted thereunder. (Amended 1996)
2. Approve proposed subdivision plans which are in conformity with the subdivision ordinance.
3. Plan, design, build [Supervise] and maintain the county's highways, drainage, and flood control systems [and sewer systems and maintain the county's buildings].
4. Plan, design, build, operate and maintain solid waste collection, processing and disposal systems, including recycling programs.
5. Plan, design, build, operate and maintain the county's sewer treatment plants, pump stations, sewer lines, reclaimed water distribution systems and related programs.
6. Perform such other duties and functions as shall be assigned by the mayor.

Council Chair
Patrick S. Kawano

Council Vice-Chair
Dain P. Kane

Residing Officer Pro Tempore
Charmaine Tavares

Council Members
Alan M. Arakawa
Robert Carroll
G. Riki Hokama
Jo Anne Johnson
Michael J. Molina
Wayne K. Nishiki



COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793

Director of Council Services
Ken R. Fukuoka

RECEIVED
Charter Commission
JAN 10 2002

January 10, 2002

Terryl VencI, Chair and Members
Maui County Charter Commission
Wailuku, Hawaii 96793

Dear Chair VencI and Members:

SUBJECT: DEPARTMENT OF WATER SUPPLY

As a follow-up to your January 7, 2002 meeting, I am providing recommendations for Charter amendments related to Chapter 11, Department of Water Supply. The proposed revisions are attached and are in Ramseyer format. (Deletions are in [brackets]. Additions are underlined.)

Thank you for the opportunity to meet with you and to provide suggestions on proposed Charter amendments.

Sincerely,

A handwritten signature in cursive script that reads "Charmaine Tavares".

Charmaine Tavares
Councilmember – Upcountry

Attachment

CHAPTER 11 DEPARTMENT OF WATER SUPPLY

Section 8-11.1. Organization. There shall be a department of water supply consisting of a board of water supply, a director, a deputy director and the necessary staff.

Section 8-11.2. Functions of the Department.

1. [All water systems owned and operated by the county, including all county water rights and water sources, together with all materials, supplies and equipment and all real and personal property used in connection with such water systems shall be under the control of the department.] The department shall manage and operate all water systems owned by the county.

2. [The department shall have full and complete authority to manage, control and operate water systems and properties used in connection with such water systems.] In order to protect and manage the water resources in the county, the department shall make studies, surveys, and investigations relating to the locations and sources of water supply within the county, the amounts available for current and prospective uses, the water resources which may be available for such uses and the maximum sustainable yield of such sources.

3. The department shall implement the county's general plan and community plans in the administration of its affairs. [There shall be a long-range plan of the department] The department shall prepare and annually update a long-range capital improvement plan and an updated water use and development plan, which shall be subject to the approval of the county council, as provided by law.

[4. The county council shall have the authority to issue general obligation bonds for the benefit of the department and may provide capital appropriations for the department.]

Section 8-11.3. Board of Water Supply. The board of water supply shall consist of nine members who shall be appointed by the mayor with the approval of the council. The planning director and the director of the department of public works shall be non-voting ex-officio members of the board. The board shall act as advisor to the director, the mayor and the council in all matters concerning the county's water system.

Section 8-11.4. Powers, Duties and Functions. The board of water supply shall:

1. [Appoint, evaluate and remove the director of the department of water supply.] Review and submit to the mayor the department's request for an annual appropriation for operations and capital improvements.

[2. Have the authority to create and abolish positions.]

[3. Adopt] 2. Recommend rules and regulations which shall have the force and effect of law relating to the management, control, operation, preservation and protection of the water works of the county, as well as the establishment and adjustment of rates and charges for furnishing water; such rules and regulations shall be adopted as provided under Section 8-11.8 below.

[4. Adopt an annual operating and capital budget.]

[5. Have the authority to issue revenue bonds under the name of the board of water supply.]

[6. Have the authority to acquire by eminent domain, purchase, lease or otherwise, and to sell, lease, or otherwise convey real property in the name of the board of water supply.]

[7] 3. Perform such other duties and functions as shall be prescribed by law.

Section 8-11.5. Director and Deputy Director of Water Supply. The director of the department of water supply shall be appointed [and evaluated] by the [board of water supply] mayor with the approval of the council, and may be removed by the [board of water supply] mayor with the approval of the council. The director shall have a minimum of [three] five years of experience in [an administrative] a management capacity, either in public service or private business, or both. The deputy director of the department of water supply shall be appointed by the mayor and may be removed by the mayor. The director or [his] deputy shall be a registered engineer.

Section 8-11.6. Powers, Duties and Functions. The director shall:

1. Recommend rules and regulations for review [adoption] by the board and adoption by the mayor and the council.
2. Administer the affairs of the department, including the rules and regulations adopted by the [board] mayor and the council, and be responsible for the day-to-day management and control of all water systems of the county.

3. Prepare and implement long range capital improvement plans and an updated water use and development plan which have been [adopted] reviewed by the board and adopted by the council and the mayor.
4. [Appoint a deputy director.] [5.] Prepare an annual operating and capital budget for the board's review and [adoption] submit the department's request for an annual appropriation to the mayor.
5. [6.] Coordinate the affairs of the department with the mayor and the county council and submit an annual report concerning the department to the mayor and the council.
6. [7.] Perform such other duties and functions as shall be prescribed by law.

Section 8-11.7. Revenues. The revenues of the department shall be kept in a separate fund and shall be such as to make the department self-supporting.

Section 8-11.8 Approval of Rules. The adoption, amendment and repeal of all rules [adopted pursuant to Subsection 8-11.4(3)] and regulations of the department of water supply shall require action by both the mayor and the council. Proposals to create new rules or to amend or repeal existing rules may be initiated by the board of water supply, the mayor, or the council. Proposals initiated by the mayor or council shall first be reviewed by the board of water supply and transmitted to the mayor within sixty (60) days of receipt. The mayor shall [either] approve, amend, or disapprove and transmit the [request] recommendation from the board of water supply to the council within [fifteen (15)] thirty (30) days of receipt. The [request] recommendation shall be deemed approved and transmitted to the council on the thirty-first day if the mayor takes no action.

Within [forty-five (45)] sixty (60) days of receipt from the mayor, the council may [confirm] approve, amend, or disapprove the mayor's action by majority vote [or may override any action by a two-thirds (2/3) vote of its entire membership]. If the council takes no action within [forty-five (45)] sixty (60) days, the proposal shall be deemed approved.

Subj: Fwd: testimonyforchartercommissionmeetingontuesday15january2002
Date: 1/13/02 3:15:53 AM Pacific Standard Time
From: Keala33
To: TVenc1

Forwarded Message:

Subj: testimonyforchartercommissionmeetingontuesday15january2002
Date: 1/12/02 2:52:09 PM Pacific Standard Time
From: s.nikhilananda2@gte.net
To: Keala33@aol.com
Sent from the Internet (Details)

SUBMITTED TO THE MAUI COUNTY CHARTER COMMISSION FOR ITS SCHEDULED MEETING @ 8:30 AM ON TUESDAY, 15 JANUARY 2002, IN THE OLD COURTHOUSE BUILDING IN WAILUKU, MAUI.

For your meeting of Tuesday, 15 January 2002, in the Old Courthouse Building, @ 8:30am, I am submitting this document as testimony. It is now 2002, an extremely important year in the governmental and political world of Maui County. In addition to it being an election year, we will have newly designated State and Federal electoral districts, created by the State of Hawai'i Reapportionment Commission. Even more significantly, we will have an opportunity to update, amend and improve our Maui County Charter. This occurs only every ten years, so it is extremely important. Currently you are meeting and have numerous opportunities to greatly refine and improve our existing County Charter, to enhance the participation of the citizens, residents and voters of Maui County. I have previously testified on countless items which your Commission needs to revisit, update and make changes to our Charter for presentation to the citizens this November. The most important change needed for increased citizen representation is the creation of separate and distinct electoral districts for the Maui County Council. Both the State House of Representatives and our State Senate are elected within separate districts. It is also the case with the national Congressional and Senatorial members. Both Oahu and the Big Island have separate and distinct electoral districts to elect members to their respective City and County Councils.

Changes to our planning process, both the commission and the department, are also in serious need of refinement, as is the way our water is allocated and managed. What we definitely do NOT want to do is make matters worse. Nevertheless, the recent editorial in The Maui News and the front page article recommending a switch from two year to four year terms for our County Councilmembers which you are considering would do just that!

Both the Big Island and Kauai have two year terms for their Council members. Oahu, the only County in Hawai'i with four year terms, has seen three members, over 33% of their current Council, either investigated, indicted, or convicted of serious indiscretions while in office. Do we want that situation here on Maui where we would have to wait in some cases four years to replace someone on our County Council?

Most local governments around the United States, including Boards of Supervisors, plus County and City Councils, are elected to two, not four year terms. In fact, in some large cities, the Mayors are elected every two, not four, years. There are absolutely no justifiable arguments for a change from two to four year terms for our Maui County Council. It is simply and solely a power grabbing action by those who are supporting and advocating such a change.

It has been said that it takes at least a year or longer for a newly elected member of the Council to learn "the ropes" and how things work before the individual can be effective. Our newly elected Councilmember, Jo Anne Johnson, has shown with intelligence, perseverance, and determination, one can make their mark on the Council in a much quicker and shorter time. Some can justifiably claim that Jo Anne may currently be the most effective and best member of our current council. She made her impact within weeks of taking her seat. So maybe the argument should be made for more intelligent, effective and quicker learning Councilmembers being elected.

In addition, both Jo Anne and Mike Molina were elected last year by defeating incumbents who, obviously, a majority of the voting public wanted replaced. Would we have wanted to wait two more years to have had the opportunity to defeat those incumbents and elect better individuals to our County Council.

This was also true with Charmaine Tavares, another current councilmember, who defeated an incumbent when she was first elected. Once again, we would have had to endure and wait an additional two more years before we could have had the opportunity to replace the incumbent at that time with Charmaine.

It truly is difficult to defeat an incumbent. We can not take the chance that we would be stuck with a poor choice for at least four years rather than two.

Yes, it is expensive to run for election every two years. So we need to institute cost controls, such as campaign finance reform, or maybe some other progressive change, such as limiting the time for campaigning from the current "legal" nine months, to maybe a shorter time, such as six weeks, as is done in Great Britain.

We must remember that our State House of Representatives and our Congressional House of Representatives are both elected every two years. No one could legitimately argue that either of those elected positions are not more formidable when it comes to running for office or for "learning the ropes".

Our Federal Constitution, and the framers, were brilliant, when they decided that the people needed the opportunity to either re-elect or replace members of the House of Representatives every two years. The same can be said for our State Constitution, which also requires the members of our State House of Representatives to stand or run for re-election every two years. We need the same opportunity to evaluate the effectiveness of our local elected officials by requiring them to present themselves to the voters every two years.

The United States Senate stands for re-election every six years, and the President, our Mayor and our State Senators run every four years. Our State and Federal House Representatives run for re-election every two years. Our Maui County Council MUST maintain their current two year terms. We would do a severe injustice to the citizens and voters of Maui County, if your Commission proposes and a majority of the voters this November are convinced to make this draconian switch to four year terms.

Remember, if this Charter Amendment is proposed, there will be a major effort by most currently elected officials, and plenty of other individuals vying for power, who will put forth a tremendous effort to pass this regressive amendment. Let us hope that you do NOT propose this backwards change, but you do provide us with legitimate, progressive Amendments to our current Maui County Charter. District Voting, Campaign Finance Reform, a shorter campaign season plus Referendum, Recall and Initiative are a few examples of progressive modifications. However, if your Commission does propose this alteration from two year to four year terms, I hope and expect the voters will not be fooled into thinking that this is a beneficial change and will vigorously and passionately defeat it at the polls in November.

Nikhilananda

Huelo, Maui, Hawai'i 96708

I have a Bachelor of Arts(BA) degree in Political Science & a Master of Arts(MA) degree in Public Law/Urban Affairs (Political Science). I have served on both the Mayor's Task Force on Higher Education(1993-95) & on the Maui County Board of Variances and Appeals(1995-2000). I have also been a candidate for the Maui County Council.

P.O. BOX 1704

MAKAWAO, MAUI, HAWAII

96768-1704

MAYOR
GRANT
MICHELE
CALVIN
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BRIAN
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Date 01/15/02 Due _____

Clearly, this is a great inequity imposed on the citizenry of Maui against their right to petition the government to place an initiative on the ballot.

An additional inequity can be found in Article 11-3, which denies citizen initiatives any power to over the capital program, property taxes, appropriations, bonds, appointments, or emergencies. In contrast, in California, citizen initiatives may enact any law that the State Legislature itself can enact.

A comparison of the initiative requirements of different States (see <http://www.iandrinstitute.org/table3!1.htm>) shows that California is typical, and Maui is at least three times as severe as the most severe among the States in both its signature number requirements and the time period available to gather the signatures.

Therefore, to bring the Maui Charter in line with the regulations for citizen initiatives in other States, please consider the following amendments to the County Charter:

Article 11 Section 11-1.3 is repealed.

Article 11 Section 11-3.2 is amended to read:

"Such petitions must be signed by registered voters numbering not less than five percent (5%) of the number of votes cast for Mayor in the last regular Mayoral election."

Article 11 Section 11-4.1 is amended to read:

"1. Within one hundred fifty (150) days after the filing with the clerk of the affidavit described in Section 11-2, all papers forming an initiative petition shall be assembled and filed with the county clerk as one instrument."

Article 14 Section 14-1.2: the sentence:

"2. By petition presented to the council, signed by not less than ten percent (10%) of the voters registered in the last general election, setting forth the proposed amendments."

is amended to read:

"2. By petition presented to the council, signed by registered voters numbering not less than four percent (4%) of the number of votes cast for Mayor in the last regular Mayoral election, setting forth the proposed amendments."

Article 14 Section 14-1.3: the sentence:

"3. By petition presented to the county clerk, signed by not less than twenty percent (20%) of the voters registered in the last general election, setting forth the proposed amendments."

is amended to read:

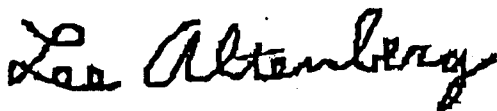
"3. By petition presented to the council, signed by registered voters numbering not less than four percent (8%) of the number of votes cast for Mayor in the last regular Mayoral election, setting forth the proposed amendments."

These amendments are modeled after the requirements in California, which is an exemplary State for its level of citizen involvement in ballot initiatives.

If these amendments are put to the voters and become law, they would work a profound transformation of Maui politics and Maui society generally. By making the citizen ballot initiative a practical possibility in Maui County for the first time, the voters of Maui will be able to engage their hopes for a better future and pull out of the resignation that so many feel about the political process. There is no better tonic for social health than the ability of people to act on their hopes for their community.

The experience of other States is that often very contentious issues are brought to the ballot by citizen initiatives. This contention, however, is extremely beneficial for the community, because it gets people engaged in discussions with their neighbors about issues that really matter, and propels the mass of citizenry to become educated about issues that are within their hands to decide. Such engagement stimulates the political imagination to seek and create solutions to societal difficulties that become neglected when the people are resigned out of a feeling of powerlessness. I hope that the Commission will discuss this set of amendments during their meetings in the Maui communities, and offer them to the voters in the November election.

Sincerely,



Dr. Lee Altenberg

Lee Altenberg, Ph.D.
Associate Professor, Information and Computer Sciences, University of Hawai'i at Manoa
Address: 2605 Liholo Place, Kihei, Maui, HI 96753-7118
Phone: (808) 875-0745, Fax: (808) 875-0348
E-mail: altenber@hawaii.edu, altenber@santafe.edu
Web: <http://dynamics.org/Altenberg/>

References:

<http://www.state.hi.us/elections/facts/facts.htm>
<http://www.state.hi.us/elections/facts/fsvs505b.pdf>
http://uhfamilydata.hawaii.edu/datasearch/cfi_results.asp?indicator=042e
http://uhfamilydata.hawaii.edu/datasearch/cfi_results.asp?indicator=067e

F3919

January 16, 2002

Charter Commission
Office of the Mayor
200 South High Street
Wailuku, HI 96793
808-270-7855, fax: 808-270-7870

Dear Commissioners,

There was a typographical error in my testimony regarding amendments to the Maui County Charter. The corrected text is (correction in bold face):

Article 14 Section 14-1.3: the sentence:

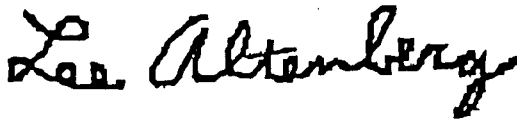
"3. By petition presented to the county clerk, signed by not less than twenty percent (20%) of the voters registered in the last general election, setting forth the proposed amendments."

is amended to read:

"3. By petition presented to the council, signed by registered voters numbering not less than **eight percent (8%)** of the number of votes cast for Mayor in the last regular Mayoral election, setting forth the proposed amendments."

I apologize for the error.

Sincerely,



Dr. Lee Altenberg

| MAYORMGMT OFFICE | BY | Verbal | Document | See Me | Oral Reply | File Log |
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| MAYOR | | | | | | |
| GRANT | | | | | | |
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| CALVIN | | | | | | |
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| SECTY | | | | | | |

Date 01/16/02 Due 01/16/02
By MA

Lee Altenberg, Ph.D.
Associate Professor, Information and Computer Sciences, University of Hawai'i at
Manoa

Address: 2605 Liholo Place, Kihei, Maui, HI 96753-7118
Phone: (808) 875-0745, Fax: (808) 875-0348
E-mail: altenber@hawaii.edu, altenber@santaf.edu
Web: <http://dynamics.org/Altenberg/>

JAN 30 2002

TESTIMONY

David DeLeon
335 Waiama Way
Haiku, Hi. 96708

January 26, 2002

Chair Terryl Vencl and Members
Chair of the County Charter Commission
200 S.High Street
Wailuku, Hi, 96793

Re: Proposed Charter Amendment Concepts

Dear Chair Vencl:

Thank you for this opportunity to address the January 18, 2002 proposals for public consideration. The following comments are offered as a private citizen.

- 1) I support the establishment of districts, but if districts are not proposed by the commission, then it makes little sense to remove the flexibility provided by our current at-large system in order to mimic one-man, one-vote districts. Under proposed redistricting, the "Lahaina" member of the County Council could conceivably be someone who lives east of the Pali Tunnel – say Maalaea or North Kihei. And that would defeat the purpose of our current system. Making such changes only to the larger Maui districts would add to the discrimination we now condone in order to give Lanai, Molokai, and Hana members on the council. These areas add up to less than 10 percent of our total voter population, but enjoy 33 percent of the votes on the council. If we are going to have an at-large system, then the Lahaina representative should come from a point west of the Pali and the South Maui area should include all of South Maui, Maalaea to Makena.

Besides, giving this sort of emphasis to "districts" only serves to confuse an already confused public. Our council members are elected at-large, with certain residency requirements. These residency requirements do not amount to true districts and should not be construed in the Charter to seem like they are districts. Creating the illusion of equal sized districts may only give someone who wants to challenge our at-large system in federal court added ammunition.

- 2) I can support longer terms for Council Members if term limits are part of the package. Two-year terms serve the purpose of keeping the council on a short leash. But they are also impediment to anyone thinking of running for council in our current at-large system. I can see the merits for both two and four year terms. However, our at-large system has a built-in flaw. If it extremely difficult for the residents of the three outlying areas – Lanai, Molokai, and Hana – to mount successful countywide campaigns against incumbents who have organized

support on Maui. The case of Goro Hokama clearly illustrates this. Hokama served 40 years on the council because he had the political support of the ILWU. Imagine the difficulty a Lanai resident would face overcoming that political power on three different islands. There are less than 1,000 voters on Lanai. The challenger would have to come from the ranks of those 1,000 – most of whom are rank and file resort workers. The same pretty much goes for Molokai and Hana. If we were operating true district voting, this would not be the case. In the Hokama case, he was not beatable even in a two-year system. In a four-year system the incumbents will be even more entrenched and more difficult to unseat. As long as we are running an at-large, three-island system, then term limits are a must.

- 3) Proposal Eight, gives the Public Safety Commission control of the Fire Department. The only purpose this achieves is to give the Public Safety Commission something to do. I see no good reason to take this function from the Mayor. I know of no abuse of process regarding this department. Conversely, I remember when Mayor Lingle used her authority to settle the Fire Marshal down when the fire inspectors started to get carried away in their inspection practices. I do not see a commission doing that. Given a choice between an appointed authority and an elected one, I will take the elected one kind any day.
- 4) Proposal Ten – Community District Boards. This is an interesting idea that does not yet seem to be fully hatched, and instead comes across as something between enhanced Community Advisory Councils and townships. I would submit that the proto-types for this concept already exist on Lanai and Molokai in their planning commissions: all the members are from one council residency district. If this concept moves forward, I would suggest that these boards remain concerned with SMA and land use issues only. General Plan and Community Plan authority should remain with the Council. The proposal suggests that these new bodies take over the functions of a number of existing boards. These general bodies would not be able to perform the current duties of the Urban Design Review, Cultural Resources, Arborists, and Code Appeals because they would not have the required expertise. Please note, however, that this swing towards grassroots democracy will be expensive: these boards will have to be staffed and housed.
- 5) I note that Proposal Ten mentions the Napili Bay Civic Improvement District Advisory Committee. This entity has not functioned in the matter the County Code set it up for in at least two decades. The state Coastal Zone Management program replaced the need for this body. It continues today as an inactive anachronism that should be retired. If it is within the purview of your commission to do so, remove this body.
- 6) Proposal Fourteen, reducing the requirements for initiative and recall campaigns. In light of Proposal Three, ending term limits, this is a must. In a representative democracy, the represented must have effective tools to reign in their representatives.

- 7) Proposal Fifteen – meeting notices. I do not understand what is being proposed here. It should be noted that the meeting notice methodology is controlled by state law, Chapter 92. So, for instance, the “con” statement complaining about the number of days required for giving notice is irrelevant. Those requirements are set by state law.
- 8) Proposal Sixteen – place of public meetings. I agree with the intent, but I also remember an incident in the 1980s when the Council Planning Committee Chairman scheduled a committee meeting on A&B’s community plan amendments to be held in the A&B office on Lono Avenue. He had to back down when it was pointed out that was not a public place.
- 9) Proposals 17 – Water Governance. I do not believe the commission should be attempting to challenge this issue at this point. Maui County has swung back and forth on this issue repeatedly since the 1960s. I am a student of Maui County government. I have a Masters degree in Political Science. I have observed the operation of this Board for over 20 years as a reporter and an administrator. And I do not have a recommendation on this question. I do have a real doubt about the public’s ability to make an informed, intelligent choice about this issue. Given that, I would recommend the following. (A) That the commission recommend that a thorough review be done of this governance issue. Maui County needs to have a specialist – someone who is not tied to any of the powers-to-be --study the situation and make well founded recommendations that would be considered by a special Charter Commission to be held on this matter in two years. (B) Meanwhile, the county Planning Director and Finance Director should be made full voting members of the Board of Water Supply, giving the Mayor some sort of responsibility and ability to impact that body and counterbalancing the inordinate control the Water Director currently enjoys over the Board. Finance and Planning have staff resources, as well as knowledge of how boards are supposed to work. They would bring accountability, professionalism and order to the current situation.

Lastly, I want to thank the commission for its dedication and service to our community. A task like this is often thankless. Know that your service is appreciated.

Offered by

David DeLeon

TESTIMONY
OF
DON MEDEIROS
COUNTY TRANSPORTATION COORDINATOR
BEFORE THE
CHARTER COMMISSION PUBLIC MEETING
OF
March 13, 2002

Good evening Charter Commission members. My name is Don Medeiros, I am the new County Transportation Coordinator. I am before you tonight to speak on Proposal 7 - To Broaden the Powers of the Department of Public Works and Waste Management to include Public Transportation. The journey into the future at this junction on the road of Maui's "Smart Growth" requires the focus to be on planning and coordination to develop and promote policies to implement transportation solutions.

Mayor James "Kimo" Apana formed the Mayor's Transportation Action Committee (TAC) in January last year to bring together citizens of Maui County to identify traffic issues, and to develop solutions that address those issues. The committee's public meetings were front page news generating numerous letters to the Maui News. Having served on that committee, I saw the community come together with the Mayors' TAC committee as the vehicle, and arrive at a consensus on viable solutions, many of which were implemented last year. Others required time to achieve and have subsequently been acted upon by the Mayor. The creation of the Transportation Coordinator position and that of the Long Range Planning Branch in the Planning Department are examples of the Mayor's resolve to plan for the future and to put "people first."

During the TAC process the solution of commuter shuttles was identified as one possible answer to reduce cars on the highways. This type of service will be utilized if it is faster, reliable, more convenient and economically viable than one person in a car. However, in order for this to occur, we must plan today to create four lane highways in the future, which is a prerequisite for the creation of High Occupancy Vehicle (HOV) lanes. HOV lanes are intended to be used by cars with two or more riders, car / van-pools and commuter buses that will facilitate the movement of people with the goal to reduce cars on the highway. There is federal funding for commuter bus service, ONLY when it utilizes HOV lanes. The location, size and type of highway or transit corridor are functions of planning.

Following the discussion of reducing cars on the highway, the group's focus turned to the need to speed up traffic. The intersection at Hana Highway and Baldwin Avenue and the Piilani Highway intersections at Lipoa and Piikea were examples of what is not working. Solutions proposed included signal optimization and synchronization, parking restrictions, turning movement restrictions the replacement of signalized intersections with "roundabouts" and the use of "on / off ramps" on connector highways, rather than the use of signalized at grade intersections. These solutions are planning tools which are part of Transportation System Management and the "Smart Growth" initiative.

The Mayor, wisely looking to the future beyond his tenure, created the position of the County Transportation Coordinator. He then made several significant decisions concerning the position. The Transportation Coordinator is a civil service position. The position reports to the Managing Director and is located with the Long Range Planning Branch of the Planning Department.. This placement within the hierarchy of the County organizational structure is significant, as it is designed to facilitate change and foster interdepartmental cooperation, which is crucial for change to occur.

Hopefully these examples have helped you to see the benefits that will be gained by keeping the County Transportation initiative within the Department of Management.

In closing, to place the position in Public Works will in my opinion deflate the tires of the County Transportation vehicle and its ability to affect positive long term change in our community. There is an old saying that I feel is appropriate "If it ain't broke, don't fix it."

Thank you for the opportunity to appear before you tonight and allowing me to present my thoughts on the future of transportation in our community.

March 8, 2002

Members of the Charter Commission

Re: Comments/Concerns Regarding Charter Amendments.

Dear Members of the Charter Commission:

I am a (an) _____ and a resident of Maui County, and writing to inform you as to my concerns and positions relative to the charter proposals presently being considered by your commission for the general election scheduled for this year. I have reviewed the proposed charter proposals and have the following comments and concerns, which I expect you to consider in your deliberations.

1. The Charter Amendments, which I support, are Numbers 2, 16 and 17

The reason for my support of these amendments are that they provide for greater continuity in local government which will facilitate the decision making process not only in terms of budget but other legislative duties, they facilitate the public hearing and discussion process by opening up additional venues for public meetings, and also bring the Department of Water Supply under the executive branch of government so it is accountable to the electorate of Maui County.

2. The Charter Amendments for which I am against are Numbers 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15.

The reasons I oppose these proposed amendments are that they increase the size and cost of running government in Maui County, destabilize the process of government by exposing elected officials, the legislative process and the county economy to continual uncertainty, impair the ability of the executive branch to properly manage its employees, create jurisdictional conflicts and redundancy in enforcing and interpreting existing laws.

Commission members, I sincerely hope you read this letter and consider my thoughts on this important matter. It is my anticipation that you will, during the course of your deliberations, consider my concerns and act accordingly. I intend on appearing at the future charter commission meetings and voicing my opinion with regard to these issues, as well as ensuring that the voters of this county clearly understand the implications of the proposals presently being discussed by the commission.

Sincerely,

Wayne A. Ramsey

March 8, 2002

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Sincerely, *Noah Seymour*

March 8, 2002

Members of the Charter Commission

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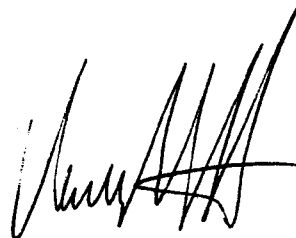
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Commission members, I sincerely hope you read this letter and consider my thoughts on this important matter. It is my anticipation that you will, during the course of your deliberations, consider my concerns and act accordingly. I intend on appearing at the future charter commission meetings and voicing my opinion with regard to these issues, as well as ensuring that the voters of this county clearly understand the implications of the proposals presently being discussed by the commission.

Sincerely,



March 8, 2002

Members of the Charter Commission

Re: Comments/Concerns Regarding Charter Amendments.

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Commission members, I sincerely hope you read this letter and consider my thoughts on this important matter. It is my anticipation that you will, during the course of your deliberations, consider my concerns and act accordingly. I intend on appearing at the future charter commission meetings and voicing my opinion with regard to these issues, as well as ensuring that the voters of this county clearly understand the implications of the proposals presently being discussed by the commission.

Sincerely,



March 8, 2002

Members of the Charter Commission

Re: Comments/Concerns Regarding Charter Amendments.

Dear Members of the Charter Commission:

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1. The Charter Amendments, which I support, are Numbers 2, 16 and 17

The reason for my support of these amendments are that they provide for greater continuity in local government which will facilitate the decision making process not only in terms of budget but other legislative duties, they facilitate the public hearing and discussion process by opening up additional venues for public meetings, and also bring the Department of Water Supply under the executive branch of government so it is accountable to the electorate of Maui County.

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Sincerely,

Barbara Guenther

March 8, 2002

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Sincerely,

Christine B. Joy

March 8, 2002

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Sincerely, *Deanne Lewis*

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Sincerely,

John J. Amadio

March 8, 2002

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Sincerely,

Naomi Seymour

F41146

APR 17 11 9:05

April 16, 2002

Members of the Charter Commission

Re: Comments/Concerns Regarding Charter Amendments.

Dear Members of the Charter Commission:

I am a Goodfellow Bros., Inc. employee and a resident of Maui County, and I am to inform you as to my concerns and positions relative to the charter proposals presently considered by your commission for the general election scheduled for this year. I have reviewed the proposed charter proposals and have the following comments and concerns, which I expect you to consider in your deliberations.

1. The Charter Amendments, which I support, are Numbers 2, 16 and 17

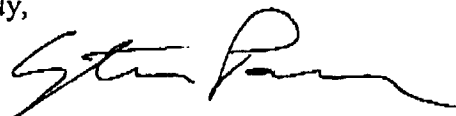
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Sincerely,



| MAYOR/MGMT OFFICE | FYI | Handle | Comment | See Me | Draft Reply | File Log |
|-------------------|-----|--------|---------|--------|-------------|----------|
| MAYOR GRANT | | | | | | |
| MICHELE CALVIN | | | | | | |
| PAT DAVID | | | | | | |
| BRIAN DENNY | | | | | | |
| MYLES KAL K | | | | | | |
| MIS OED | | | | | | |
| CDBG GIS | | | | | | |
| PIO OFC MGR | | | | | | |
| SECTY WRITING | | | | | | |

Due By
CO: Corp. Counsel



April 10, 2002

33 Lono Avenue, Suite 400
Kahului, Hawaii 96732-1608
P.O. Box 156
Kahului, HI 96733-6656
www.abprop.com
Tel (808) 877-5523
Fax (808) 871-7497

CONFIDENTIAL
2002 APR 15 PM 3:32

Members Of The Charter Commission
Maui County Charter Commission
Kalana O Maui, 7th Floor
200 South High Street
Wailuku, HI 96793

Re: Comments/Concerns Regarding Charter Amendments

Dear Members of the Charter Commission:

I am a Contractor and a resident of Maui County, and writing to inform you as to my concerns and positions relative to the charter proposals presently being considered by your commission for the general election scheduled for this year. I have reviewed the proposed charter proposals and have the following comments and concerns, which I expect you to consider in your deliberations:

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Sincerely,

Jeff Faulkner
Manager of Construction

cc: Properties, Honolulu

CHAPTER 11
DEPARTMENT OF WATER SUPPLY
(Proposed 2001)

Section 8-11.1. Organization. There shall be a department of water supply, to be known as the "Maui Board of Water Supply" that is a semi autonomous, non-profit and apolitical agency of the county created pursuant to this chapter of the charter, consisting of a board of [water supply] water commissioners, a CEO [director, a deputy director] and [the] necessary staff.

Section 8-11.2. Definitions The terms "Department" and "Board" as used in this article of the charter shall have the following meaning:

(a) "Department" shall mean the governmental unit known as the "Maui Board of Water Supply", unless the context indicates otherwise.

(b) "Board" shall mean the policy making body, consisting of the nine commissioners for the Maui Board of Water Supply.

(c) "Policy" shall mean:

1. the protection of water resources
2. the time water is delivered
3. the water volume delivered
4. the enacting and enforcement of rules and regulations to provide for orderly management

Section 8-11.[2]3 Powers, Duties and Functions of the Department.

1. All water systems owned and operated by the county and the facilities used to supply water for fire fighting, including all county water rights and water sources, together with all materials, supplies and equipment and all real and personal property used in connection with including the operation of private or public water systems by agreement when the operation results in lower rates to county water customers such water systems shall be under the control of the department, for supplying and disposing of water used by the County of Maui inhabitants for all purposes and uses.

(This could include waste water, storm water, parks wells etc and may be construed to allow joint use with other utilities for the operation of properties not owned by the Board of Water Supply jurisdiction IE: to operate non county systems by agreement if beneficial to the public. HRS 54-28 allows this and the Board has been doing this with the state department of Ag and could do it with DHHL.)

2. The department shall have full and complete authority to manage, control and operate water systems and properties used in connection with such water systems.
3. The department shall work with other County Departments to implement the county's general plan and community plans in the administration of its affairs. There shall be a long-range plan of the department which shall be, the state water commission required Water Use and Development plan [subject to the approval of the county council,] as provided by law.
4. The county council shall have the authority to issue general obligation bonds for the benefit of the department and may provide capital appropriations for the department when in the Counties interest.
5. The department and all personnel within shall be subject to the ethics provisions in Article 10 of this charter.

Section 8-11.[3] 4. Board of Commissioners [Water Supply]. The board of Commissioners [water supply] shall consist of nine [members] commissioners whom [who] shall be appointed by [the mayor] a majority of the serving commissioners with [the approval] confirmation by [of] the [council] Mayor. All subsequent commissioners must have three years minimum responsible administrative capacity in at least one of the following areas: management, operation, design, planning, construction, labor or personnel relations, legal matters or financing in public or private enterprise systems. The [planning director and the director of the department of public works] Mayor or authorized representative shall be the tenth [non] voting ex-officio member [s] of the board of Commissioners. The Mayor or authorized representative may not serve as chairperson of the Board. The Board shall be governed by the provisions of Article 13 Section 13-3, Section 13-7 and subject to the recall provisions in Article 12 and any provisions allowed by ordinance of the County.

Section 8-11.[4]5. Powers, Duties and Functions. The board of [water supply] commissioners shall:

1. Appoint, evaluate, [and] remove and fix the salary of [the director] a chief executive officer CEO of the [department] Board of Water Supply according to a position description and contract between the Board and the CEO. (Amended 1992)
2. Have the authority to create and abolish positions.

3. Adopt rules and regulations which shall have the force and effect of law relating to **setting policy for** the [management, control, operation, preservation and protection of the water works of the county, as well as the establishment and] adjustment of rates and charges for **services provided** [furnishing water]; such rules and regulations shall be adopted as provided under Section 8-11.[8]**14** below.
4. Adopt an annual operating and capital budget **subject to the public hearing provisions of law in HRS 92.**
5. Have the authority to issue revenue bonds under the name of the board of water supply.
6. Have the authority to acquire by eminent domain, purchase, lease or otherwise, and to sell, lease, or otherwise convey real property in the name of the board of water supply.
7. Perform such other duties and functions as shall be prescribed by law.

Section 8-11.[5]6.** [Director of Water Supply] Chief Executive Officer.** [The director of the department of water supply] **A CEO** shall be appointed and evaluated by the board [of water supply], and may be removed by the board **for just cause** [of water supply]. The [director] **CEO** shall have a minimum of **eight years of experience in waterworks activities or related fields which include at least five** [three] years of experience in a [n] **responsible** administrative capacity, either in public service or private business, or both. The [director] **CEO** [or his deputy] shall be a registered engineer, **registered in the state of Hawaii.** //

Section 8-11.[6]7.** Powers, Duties and Functions.** The [director] **CEO** shall:

1. Recommend rules and regulations for adoption by the board.
2. Administer the affairs of the department, including the rules and regulations adopted by the board and be responsible for the day-to-day management and control of all water systems of the county. (Same issues as 8-11-3 above)
3. Prepare [and implement long range capital improvement] **a Water Use and Development Plan** [s] which **shall be used as the plan for system expansion after it has** [ve] been adopted by the Board, **County Council and State Water Commission** .

4. [Appoint a deputy director.] Responsible for organization, training, hiring, evaluating dismissal and representation of the department before the civil service commission of all personnel in the department.
5. Prepare an annual operating and capital budget for the board's review adoption subject to the public hearing provisions of the law.
6. Coordinate the affairs of the department with the Mayor and the county council and submit an annual report concerning the department to the [and] county council and the Board. Copies of each report shall be filed in the office of the county clerk.
7. Perform such other duties and functions as shall be prescribed by law.

Section 8-11.8. Personnel Administration.

1. The department shall be subject to the civil service provisions in Article 8 chapter 9 of this charter with the Board as the final step in the resolution of any grievance prior to arbitration .
2. The department shall come within the purview of performance audits as may be required and paid for by the county council.
3. The compensation for such personnel work provided by the county shall be as agreed upon by the board and the Civil Service board shall be based upon hourly cost plus overhead and shall be paid the revenues of the Board of Water Supply.

Section 8-1.9. Independent Audit. The accounts and financial status of the department shall be examined annually by a certified public accountant whose services shall be contracted for by the board and whose fees shall be paid as an expense of the department. This provision is not meant to exclude the department from contracting with the council to perform this service when lower costs are realized. The result of such examination shall be reported to the board, the council the mayor and the public.

Section 8-1.10. Legal Counsel. The Board may employ an attorney to act as its legal adviser and to represent the Board in any litigation to which the Board of Water Supply or any part thereof is a party. The corporation counsel of the County shall:

1. Be the legal adviser of the department and shall institute and defend, as the board may require, any and all actions involving matters under the jurisdiction of the Board of Water Supply.
2. With the prior approval of the board, compromise, settle or dismiss any claim or litigation, for or against the Board of Water Supply.
3. Be compensated for such legal work as agreed upon by the board and the council and shall be based upon hourly cost plus overhead and shall be paid from the revenues of the Board of Water Supply.

Section 8-11.11. Service of Process; Claims. The department may sue and be sued under the name of the "Maui Board of Water Supply". Service of process in all matters affecting the department or any property under its jurisdiction may be made by service upon any commissioner or the CEO. Any action commenced or prosecuted for the recovery of damages for any injury to persons or property by reason of negligence of the board or any of its agents or employees of the department, shall be commenced and prosecuted against the Department. No action shall be maintained for the recovery of damages unless a written statement verified by oath of claimant, setting forth the nature and items of the claim and the time and place where the alleged injury occurred, has been filed with the Board of Water Supply within six months or less when allowed by law after the date of sustaining the injury.

Section 8-11.[7]12. [Revenues] Receipt and Disbursement of Funds. The department shall make its own collections, deposit all receipts daily into the county treasury. The funds collected by the department [and] shall be such as to make the department self supporting. The county finance director shall:

1. Keep the revenues of the department [shall be kept] in a fund separate and apart from any other funds of the county except by agreement between the Board and Finance Director to obtain a higher rate of interest.
2. Disburse all funds only with the written approval of the CEO or designee according to the procedures prescribed by agreement between Board and the county director of finance.
3. Be paid for such financial work provided by the county finance department as agreed upon by the board and the council and shall be based upon hourly cost plus overhead and shall be paid by voucher signed by the finance director and paid into the counties general fund from the revenues of the department.

RECEIVED
Charter Commission
NOV 16 2001

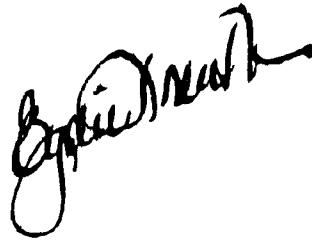
MEMORANDUM

TO: Terryl Vencl, Chair
Charter Commission

FROM: Eydie Treutler

DATE: November 16, 2001

RE: TESTIMONY



I just read K. Mossman's matrix of testimonies given at various Charter Commission community input meetings, and would like to clarify my testimony for the record.

The main reason for my resigning from the Urban Design Review Board was because of the lack of direct flights between Lanai and Maui at the time I was serving on the Board. I spent a lot of time commuting. I did say, however, that many people feel that it's not worth their time serving on Boards and Commissions if he or she cannot vote on projects of a company that he or she may be employed with. I also stated that this was the case with me being on the UDRB.

Thank you.

Jim Smith
P.O. Box 790403
Paia, Maui, Hawaii 97779

Tanya
210-7152
malalo! "

November 4, 2001

Ms. Terri Vencel, Chairperson and
Members of Maui County Charter Commission
County of Maui
Wailuku, Maui, Hawaii 96793

Re: Proposed amendments to Article 7, Office of The
Mayor

Dear Ms. Vencel and Members,

Our constitution and by association our charter provides a restraint to the exercise of power in order to limit the perception of arbitrary application. This restraint is referred to as the rule of law. Of course the power of government in our democracy is not the same as economic power or that acquired through entrepreneurial activity, because in one the risks involve social order and in the other the risks are faced by an individual. The problem with our charter is that this distinction has been blurred by amendments subsequent to its first inception resulting in discontent.

I propose these amendments to address this problem:

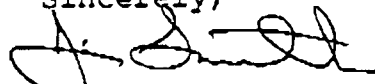
that this Commission recommend that Section 7-5.17 be amended to read:

17. Apply the provisions of this charter, the ordinances of the county and all applicable laws in an impartial manner.

that this Commission recommend that Section 7- 5.18 be amended to read:

18. Exercise such other powers and perform such other duties as may be prescribed by charter or by ordinance.

Sincerely,


Jim Smith

| Testifier | Sue Ag Land | Perspectives | Article/ Notes |
|--------------------|--------------------|---|----------------|
| Christine Hemming | | Prime ag land should remain in ag. | |
| Nikhilanada | Ag Land | Should make gentlemen estates illegal | |
| Sue Kiang | Arborist Committee | Should have fines for damages, death of trees/shrubs | |
| Glenn Shepherd | At-Large | Should have district representation. provides greater transparency and direct accountability. | |
| James Johnson | At-Large | Used to think district voting was the only way to go. I No longer think so. It would be a violation of our democratic principles. | |
| Jonathan Starr | At-Large | Should move to district elections with a commission set up to determine how. | |
| Lawrence "Larry" | At-Large | Molokai needs to have representation and district voting would be a disservice to Molokai. | |
| Charmaine Tavares | At-large | Consider setting up a separate commission to deal with the issue. | |
| DeGray Vanderbuilt | At-large | Favors district elections so it will allow more opportunity for people to run. | |
| James Berg | At-large | Should have single member districts. | |
| Nikhilanada | At-large | Strongly recommend district voting. | |
| Riki Hokama | At-large | Keep at-large voting for council. | |
| Roy Hiraga | At-large | Molokai and Lanai may not have representation. | |
| Diane Shepherd | At-large Council | No reason why council should be elected at-large. If it should be divided up by population. Not a representative government. council members represented a particular district there would be better planning and more coherency. | |
| Charmaine Tavares | Bal. Of Power | Put similar language under the mayors section as is under the councils. | |
| Daniel Grantham | Beach access | Blocking of beaches should be strictly fined. | |
| Nikhilanada | Board/ Comm. | Encourage more evening meetings including for the council. Utilize HITS at MCC. | |
| Fairfax Pat Riley | Board/ Comm. | Ethics laws were put into effect for good reasons. lanai should not be an exception. | |
| Georgina Kawamura | Board/ Comm. | Need something changed to allow Lanai residence to participate fully. Need to clarify what is a financial interest. | |
| Riki Hokama | Board/ Comm. | Language should be same for all of county. | |

Draft

*K. Minerva
making*

| Testifier | Issue | Perspectives | Article/ | Notes |
|--------------------------------|--------------------------|---|----------|-------|
| Richard Mirikitani | Boards and Comm. | Currently ethic rules don't allow residents to serve effectively. | | |
| Linda Kay Okamoto | Boards and Comm. | Would like Lanai Co. employees to be able to serve and vote on planning commission. | | |
| Mike Foley | Boards and Comm. | Establish Community Advisory Boards to advise Mayor, county council, Planning Commission, They would be ongoing committees, 7 members appointed by the council, staggered terms 2,3,4 years, annually elect chair and recording sec., meet monthly and prepare an annual report. | | |
| Buck Joiner | Boards and comm. | Need terms to be reduced from five years to three as too hard to get committed volunteers. | | |
| Council Committee of the Whole | Boards and comm. | No more than half should belong to the same party. | | |
| David Goode | Boards and comm. | Must meet in county facilities. Need to revisit this. | | |
| James Berg | Boards/Comm | Only a few are listed. Shouldn't all be listed. | | |
| James Johnson | Boards/Comm. | Should they be appointed or elected. | | |
| Mary Anderson | Boards/comm. | Need to have Board/comm for more of the dept to improve more community participation. | | |
| Ron McOmber | Boards/comm. | Let employees, not supervisors serve. Keep ethics rule in place. It's a working piece of equipment. | | |
| Gladys Baisa | Budget | Need to change the time lines of the county budget. Would like multi-year funding. Spell out in the Charter the non-profit grant review. | | |
| Wes Lo | Budget | Changing date provide no real benefit to budget. | | |
| Jocelyn Pereira | CAC | Current selection process should continue. Should serve longer. 60 days to develop a plan is unrealistic. | | |
| Ron McOmber | CAC | Council should not wipe out CAC recommendations. | | |
| Lucienne De Naie | CAC's | Should be kept on further in the process. | | |
| Skippy Hau | Candidate Qualifications | Should be at least one year and not 90 days. | | |
| Jonathan Starr | Charter | Should start large and give the voters much more to determine. | | |
| Nikhilanada | Charter | Should not cost \$2 to get the book. All county documents should be free. | | |
| Riki Hokama | Charter | It works. Don't legislate through the charter. | | |

| Testifier | Issue | Perspectives | Article/Notes |
|-------------------|--------------------------|---|---------------|
| Susan Bradford | Charter | Give voters a broad base of decisions to vote on. | |
| Rob Laughforty | Charter Implementation | Mandate review of laws before implemented. | |
| William Crockett | Charter Neutral to dev. | The charter is neutral on development. All areas cannot be covered in the charter. State laws limit the charter in zoning. | |
| Kimo Apana | Coastal Land Acquisition | Should put at least 1% of revenues into land acquisitions. It should be part of budget instead of battling with the council every year. | |
| Christine Hemming | Comm. composition | Planning and water boards should be voted on. | |
| Edyie Treutler | Comm/Boards | Can't vote so why serve on comm. She did not complete terms because of this. | |
| Dorothy Williams | Community Participation | Not enough people are involved. If it were fun they would come. | |
| Buck Joiner | Community Plans | Put teeth into general/community planning process. Is it a law or an ordinance? | |
| Christine Hemming | Community Plans | Should be upheld as law | |
| Dave Chenowith | Community Plans | Adjusted on a on-going basis. | |
| David Craddock | Community Plans | All dept. should fallow, not just water. | |
| Diane Shepherd | Community Plans | Process is too long and plans end up not being what community wanted. Areas designated as parks end up falling prey to back room deals. There should be timetables for when things happen. | |
| Diane Swenson | Community Plans | Concerns that plans should not be considered law since other needs still need to be addressed. | |
| Dorothy Williams | Community Plans | Community Plans are not followed as they should be. Need infrastructure to keep up with developments. Perhaps general plan and community plan process should be in the Charter. | |
| James Berg | Community Plans | Need to have a time line. The plan developed in 1993 doesn't address the concerns of Molokai today. | |
| Michael Gagne | Community Plans | CAC recommendations need to be a stronger document. Give community's more power in planning. | |
| Mike Foley | Community Plans | They are legally binding documents, not guides. Maps, ordinances and plans should all be consistent and they are not. Plans should include affordable housing, parks and open space, growth management, transportation alternatives, shoreline protection, agriculture preservation, public facilities, preservation of historical and cultural resources, detailed implementation time lines and dept. responsibilities. | |

| Testifier | Issue | Perspectives | Article/ | Notes |
|--------------------------|-----------------|--|----------|-------|
| Robert Nichols | Community Plans | Need to include the laws and ordinances which need changing or updating in the final chapter of the plans. | | |
| Robert Nichols | Community Plans | Should be used as blueprints for future growth. Serve as a primary reference when no ordinance exists. | | |
| Ron Sturtz | Community Plans | Frustrating they are not followed. | | |
| Ron Sturtz | Community Plans | Should be required to specify affordable housing, parks and open space, growth management, transit alternatives, shoreline protection, ag provisions, historical/cultural preservation for native Hawaiian community. Should also include alternative energy and energy production language. | | |
| Stephanie Crivello | Community Plans | Council should be responsive. Need to meet a deadline. | | |
| Charlie Maxwell | Community plans | We work our butts off and it's not followed. Need to control how water is being used. Need to have them be the law. | | |
| Daniel Grantham | Community plans | Should have force of law. | | |
| DeGray Vanderbuilt | Community plans | Should be viewed as having weight of law. The planning department and director can't think of any projects which has not been consistent with the plans yet the communities are very upset. | | |
| Elliot Krash | Community plans | Ensure economic development as well as maintaining culture/environment. Stagger the cycle in planning. Utilize the community plans. Advisory committees should have role in the interim between plans. Maybe we need a permanent CAC or Neighborhood Board. Planning districts are on congruent with council representation. | | |
| Jocelyn Perreira | Community plans | Develop a better schedule for the plans. | | |
| John Ornellas | Community plans | Should be adhered to. Council needs a deadline to implement. | | |
| Lawrence "Larry" Swenson | Community plans | Need to have ability to amend as needs change. | | |
| Mercer "Chubby" Vicens | Community plans | Agree with others regarding CAC's | | |
| Nikhilanada | Community plans | Encourage revisions. | | |
| Nikhilanada | Community plans | Need to have effect of law expressed in the charter. | | |

| Testifier | Issue | Perspectives | Article/ Notes |
|--------------------------------------|------------------------|--|----------------|
| Richard Richard Mayor | Community plans | <p>Create a cycle for planning. Allow CAC' to facilitate planning discussions. Planning dept. must provide clear rationale if they vary from CAC recommendations. Keep CAC's in place to meet every three years to give councils, planning commission, planning dept. updates. Require the planning director to prepare an annual report on land use issues. Both the charter and plan should have specific language on how plan should be implemented. Create a mechanism for state and county to better cooperate. Strong need for an enforcement component (Planning Prosecutor). Concurrency is often too late. Need infrastructure in prior to approval of projects. Up-designating of land into more intensive use should require public hearing in community effected. Implementation matrixes should include cost estimates, prioritization, time lines.</p> | |
| Richard Mayor | Community plans | <p>Require proactive e rather than reactive planning. Require a physical infrastructure assessment done by off island firm to include baseline carrying capacity. Permit "fair share" assessments. Integrate planning with water dept/board. Use normal process for amendments. Allow legal mechanism for moratorium or down zoning. Establish community boundaries and encourage community associations to be set up in each community with standing before boards and commissions.</p> | |
| Richard Mirkitani | Community plans | Review should have deadlines | |
| Sherri Carden- McDonald | Community plans | Why are developers allowed to develop lands that were designated as parks in the community plans. Where is the accountability. | |
| Stephanie Crivello | Community plans | Communities should have home rule on plans. | |
| David Goode | Community Plans | Include anticipate population increases that are acceptable. Clarify if plans are policy of defacto zoning. | |
| Diane Shepherd | Consistency | Should be consistency between general plan, community plans, zoning ordinances, and zoning maps. | |
| Charmaine Tavares | Corp. Counsel | Give council ability to remove. | |
| Nikhilanada | Corp. Counsel | Need to have more than one counsel to make independent decisions. | |
| Wayne Nishiki | Corporation Council | Need to clarify language to allow County Council to get easy access to services and clear up vagueness of "dealing with county employees". | |
| Council Committee of the Whole | Corporation council | Would like council to have the ability to remove corporation council. | |
| Jack Crow | Cost of Gov't Comm. | Need to increase to three year terms. | |

| Testifier | Issue | Perspectives | Article/ | Notes |
|------------------------|-----------------------------|--|----------|-------|
| Helen Nielson | Council Full Time | Thought the council should be full time with compensation to match. | | |
| Mercer "Chubby" Vicens | Council Full Time | Council member should be full time with salaries raised. | | |
| John Omellas | Council Full time | Make their positions full time with appropriate compensation so conflict of interest can be avoided. | | |
| Jonathan Starr | Council Full time | Should be full time and compensated proportionately. | | |
| Lynne Woods | Council Full time | Make the position full time rather than Part-time. | | |
| Riki Hokama | Council Full time | Council member work hard/ full time | | |
| Christine Hemming | Council meeting on Internet | Software was bought to allow this but not being used. | | |
| John Omellas | Council term | Change to four year. They can get more done. | | |
| Jonathan Starr | Council Terms | 4 year staggered | | |
| Riki Hokama | Council Terms | 4 year terms | | |
| Sherri Carden-McDonald | Council Terms | Would like four year terms. | | |
| Daniel Grantham | Council terms | Keep two year terms. | | |
| Gladys Baisa | Council terms | 4 Year terms. | | |
| Jocelyn Pereira | Council terms | Four year terms, but two term max. unless the person receives 51% of the vote, they can have a third term. | | |
| Lynne Woods | Council terms | 4 year terms, two possible | | |
| Mercer "Chubby" Vicens | Council terms | Four year terms with a max. of three terms | | |
| Nikhilnada | Council terms | 2 year terms | | |

Testifier **Sue** **Perspectives**

| | | | |
|--------------------|------------------------------|--|--|
| Robert Carroll | Council terms | 4 year terms, staggered, limit three consecutive terms. | |
| William Crockett | Council terms | Should not have term limits. Need to balance the strong Administration. | |
| Zandra Amaral | Council terms | Should have 4 year terms staggered. | |
| Ron McOmber | Council Terms | Four year terms for council. | |
| Edwin Lindsey | Cultural Heritage | Needs to be foremost. Other issues should revolve around it, water, accountability, decision making, developing... Hawaiian property rights are being ignored. | |
| James Johnson | Cultural Resources | Should have same authority as planning commission. | |
| Charlie Maxwell | Cultural Resources Committee | Don't have plans or maps of sites. | |
| Riki Hokama | Debt Cap | Need to set a debt. Cap for county, 7% of total budget. | |
| David Goode | Debt Service | At time may need to allow transfer of funds. Should be allowed. | |
| Robert Nichols | Dept. Coordination | Water, public works, and parks should provide planning commissions with yearly reports of goals, objectives and priorities. | |
| James Johnson | Dept. Heads | Council should review and approve appointments. | |
| David Goode | Deputy Director | Support second deputy director. | |
| Skippy Hau | Development | Need infrastructure first, sewage treatment, water shed management. | |
| Christine Hemming | Directors removal | If violate the law they should be removed. | |
| Alton Arakaki | Education | More education needs to be done about the charter. Format may need to change. | |
| DeGray Vanderbuilt | Education | Need more education to the public on this commission's charge are responsibility. The binder lacks testimony already received. | |
| Stephanie Crivello | Education | People are ignorant of the charter. Maybee should host coffee hours and just talk story. | |
| Edwin Lindsey | Environment | Need to protect against invasive species. | |
| Nikhilanada | Environment | Encourage renewable energy, public transportation. Need to protect east Maui streams and Waiahole Ditch. | |

| Justifier | Issue | Perspectives | Article/ Notes |
|--------------------|-----------------|--|----------------|
| Skippy Hau | Environment | Need to protect against pollution of streams. Homeowners misuse pesticides which cause pollution. Need to recycle more. Land fill space is limited. | |
| Donald Couch | Ethic Comm. | submitted clarifying language | |
| Donald Couch | Ethics | Lanai Co. Issue, commission feels that there are protections for good reasons. Will discuss again at next meeting and bring back. | |
| Nikhilanada | Ex- dept head | No formal dept. heads of assistant deputy should appear before the council representing a private firm. | |
| Dain Kane | Fire Chief | Sent recommendations of public safety comm that fire chief selection include comm. | |
| Joseph Blackburn | Fire Chief | Need higher qualifications of fire chief and deputy. | |
| Elvin Kamoku | Fire Comm. | Desire a fire and rescue services comm. | |
| Joseph Blackburn | Fire Comm. | Establish a fire comm. | |
| Rochelle Knight | Fire Commission | What would happen to current Public safety Comm. Will Civil Defense be under Fire Commission. | |
| Joseph Blackburn | Fire dept | Include Medical response in duties | |
| Patti Eason | Fire dept. | Concern Hana doesn't have a fire dept. | |
| Alton Arakaki | Home Rule | Need more home rule. | |
| Nikhilanada | Housing | Need truly affordable housing. | |
| Nikhilanada | Huelo | Move Huelo to be represented with Haiku, not Hana | |
| Christine Hemming | Impact fees | Should be collected on anything over six houses | |
| DeGray Vanderbuitt | Initiative | Supports easier way to get issues on the ballot. 5 % of registered voters for a petition. | |
| Mike Foley | Initiative | Reduce from 20% to 10% | |
| Nikhilanada | Initiative | Take away the section which says it should first go through the council. Should only be 5-10%. Social Security numbers should not be required. The time line needs to be changed to file initiatives. Make it 90 days rather than 130. Makes it 60 days for supplementary petitions. Do away with special elections. Have it at the next election. | |
| Ron Sturtz | Initiative | Process is not employed. # needed for a petition be aligned to # of actual voters rather than registered voters. Should be significantly smaller number on a petition, 5-10%. Time line for submitting initiatives much too short. Should be 90-120 days. | |
| Diane Shepherd | Initiatives | Should be 10% of voters | |

Perspectives
 Current equipment cannot tally votes properly. May initially have confusion at the ballots. It would be longer to check the ballots for accuracy.

Great idea. There is a video out which simplifies the issues.

Should have instant run-off with and "none of the above" option on the ballot.

Supports the instant runoff process.

We need to create a judicial branch. We need a council counsel equal to the cooperation counsel.

Look into limiting liability for crossing land to get to shoreline or mountains.

Supports mayor's 1% proposal

Will appropriate proportions of the money be given to Molokai. Maybe 10% should go to Molokai for the people there to decide how to use it.

Need money set aside for land acquisition.

Supports the Mayor's proposal but 1% too low. The county has not done enough to preserve the coastal areas.

need to preserve land. Should keep sugar. Places of sensitivity should not be developed. We need to include Haleakala in our plans.

transfer to fire dept. because of similar rescue duties.

"Child of Nature" narrative

Delete "control", Add ability to convey real property, keep revenues in a separate fund.

Move language after 1st sentence in 7.3 to 7.6

Change from 4-6 years.

Need further definition

Give to the Charter Commission

Need more recycling with trash pick-up, fish ponds restored, gardening center with water, more tree on streets, architecture protection, energy saving-turn street lights out, farm assessments.

If anyone get 51% during the primary, should not have to run in general.

Non partisan

Jonathan Starr

Instant Run Off

Instant Run off

Instant Run off

Instant Run-off Elections

Judicial Branch

Land access

Land Acquisition

Land Acquisition

Land Acquisition

Land preservation

Life Guards

Life style going down

Liquor commission

Mayor qualifications

Mayor term

Moral Turpitude

Neighborhood Boards

Neighborhood Center

Non partisan

James Johnson

Nikhilanada

Blair Bobier

James Johnson

Nikhilanada

Daniel Grantham

DeGray Vanderbuilt

Helen Neilson

James Johnson

Charlie Maxwell

Joseph Blackburn

Daniel Grantham

Franklin L Silva

Buck Joiner

John Ornellas

Buck Joiner

Council Committee John??

Jonathan Starr

| | Issue | Non-Partisan | Perspectives | Article/Notes |
|--------------------|----------------------------|--------------|---|---------------|
| Zandra Amaral | Non-Partisan | | Leave it as it is. | |
| Charmaine Tavares | Non-partisan | | Resist temp. to change non-partisan elections. | |
| David Mackwell | Open Space | | Supports fund and structure to enable more open space land acquisition. | |
| Helen Nielson | Open Space | | Support Mayor's proposal of 1% though it may not be enough. | |
| Jonathan Starr | Open Space | | Support Mayor's 1% if not more. Believes in shoreline as well as mountain access. | |
| Susan Bradford | Open Space | | Need to have open space land acquisition. Polls show Maian want this and are willing to set aside 2.5% for this. Partnerships are important. No one expects the county to do this by itself. There needs to be a commitment by the county that landowners know there is "earnest money". We can barely find land in South Maui that could be set aside without taking something down. | |
| Claire Cappelle | Open space | | Supports mayor's proposal. | |
| Lucienne De Naie | Open space | | We need a definition of open space and to treat preservation as an infrastructure which requires funding. | |
| Nikhilnada | Open space | | Support Mayor's proposal but it should be 5%. | |
| Tom Pierce | Open space | | We need to invest to save our open space. 1% may not be enough but it is a start. It can also come in the form of tax breaks for agreement not to develop certain lands. We need to be willing to compensate land owners for keeping their property open space. | |
| Dave Chenowith | Open Space Fund | | Support of an open space fund to acquire land designated as open space. 2/3 of Maian's support. | |
| Edwin Lindsey | Ordinance | | We have lack of enforcement of ordinances. We end up with planning by lawsuit. Do it and say sorry later. | |
| Zandra Amaral | Participation | | Not enough of the community is participating in the process. Do what is right for the majority, not just the people here testifying. | |
| Buck Joiner | Partisan election language | | Eliminate references to party since no longer have partisan elections | |
| Claire Cappelle | Planning | | Need to see how planning director is using the coastal zone management fund from the federal gov't. | |
| DeGray Vanderbuilt | Planning | | Want to keep planning authority within the planning commissions. Molokai wants to keep their commission. | |
| Glenn Shepherd | Planning | | Should come under Dept. of Public works so things don't fall through the cracks. | |
| John Min | Planning | | Add long range planning to duties. | |
| John Min | Planning | | Reconfiguring staff for more emphasis on planning. | |

| Staff | Issue | Perspectives | Article/ | Notes |
|-----------------------------------|-----------------------------------|--|----------|-------|
| Lawrence "Larry" Lucienne De Naie | Planning | The current structure for the planning commission is working for Molokai. Don't change it. Want to be involved in planning and have the community's involvement count. There is a lack of trust. We also need to define concurrency. There needs to be a time out time till infrastructure needs catch up. Zoning needs to be re-looked at to maybe down zone some areas. | | |
| Nikhilnada | Planning | Delete authority of Coastal Zone management and rule adoption from Planning comm. Leave it for Molokai and Lanai since it seems to be working there, but take it out for Maui. | | |
| Nikhilnada | Planning | Disallow gated communities. | | |
| Nikhilnada | Planning | Planning should be renamed permits office because they do no turn anything down or plan. Develop a new dept. called Land Use and Planning. | | |
| Cynthia Arruza | Planning Comm. | Wants to be able to serve on the planning commission but can't because can't vote on issues involving her employer. | | |
| John Omellas | Planning Comm. | It is difficult for one company town to have representation on the planning commission. | | |
| Matthew Hart | Planning Comm. | Feel there needs to be a way for Lanai Co. employees to serve on the planning comm. | | |
| Steven Hao Jr. | Planning Comm. | Eliminate the planning commission and utilize neighborhood boards. | | |
| Fairfax Pat Riley | Planning comm. | Wants to keep Lanai planning comm. Haven't had it long enough. | | |
| Elliot Krash | Planning Commission | Need to consider infrastructure and development. | | |
| Rob Laughforty | Planning Commission | Council should be final authority. Commission is advisory. | | |
| Robert Nichols | Planning Commission | Planning commissions for all active communities, each with nine members. Planning commission should also be board of variances and appeals. | | |
| Sherri Carden-McDonald | Planning commission | Should be more clearly advisory. What they have done is not in the best interest of the community who put their trust in them. | | |
| Ron Sturtz | Planning Commissions Police Comm. | Need to have charter define what is law and what are guidelines for planning commission to follow. delete "and submit to the mayor" appropriation request as unnecessary. | | |
| Victoria Takeyesu | Police Lt. | Police Lt. on Lanai should have a four year term to be more familiar with the community. | | |
| Ron McOmber | Poverty | Would like to have a state of the county in terms of affordable housing, income to own a home, livable wage, how many people don't have health care or can't afford child care. | | |
| Tom Blackburn Rodrigues | Preamble | Include why we exist. | | |
| Kenneth Taira | | | | |

| Testifier | Issue | Perspectives | Article/ | Notes |
|--------------------|-----------------------------|---|----------|-------|
| Ron McOmber | Public access | People on Lanai would really be left out without Akaku. Need more meetings to be taped so others can participate. | | |
| Teresa McHugh | Public Land Trust | Establish a public land trust fund. Set aside 2.5% of real property taxes for open space acquisition. | | |
| Riki Hokama | Public Safety Comm. | Should have a comm. to cover both fire and police. | | |
| Jocelyn Perrera | Public testimony | Supports a new process to encourage more involvement. | | |
| Michael Gagne | Public testimony | Need less acrimonious process. | | |
| David Goode | Public works | Clarify which building responsible for. | | |
| David Goode | Public works | Include planning in responsibilities. | | |
| David Goode | Public works | Include solid waste e in duties. | | |
| Lloyd Lee | Public works | Delete waste management in title of dept. Add deputy director with qualifications and responsibilities. Both the director and deputy dir. should be registered professions civil engineers. | | |
| Steven Hao Jr. | Public works | There should be something in public works about recycling. | | |
| David Goode | Public Works deputy | seek advise from attorney about whether to include. | | |
| DeGray Vanderbuilt | Publicity | Need Maui News to be more involved in covering the work of the charter commission. | | |
| Nikhilanada | Publicity | All votes by the county council should be reported in general distrib ution newspaper | | |
| David Goode | Qualifications for director | No need for changes. | | |
| Mike Foley | Recall | Reduce the petition rate from 20% to 10%. Eliminate the requirement of 50% vote in Sec. 12.6 | | |
| Un- authored | Recycle | Make mandatory rather than voluntary. Charge with real property taxes or sewage or other accounts. Making recycling convenient | | |
| Lucienne De Naie | Recycling | We need a commitment to recycling. | | |
| Buck Joiner | Removal of Comm. Members | Attendance is a problem for many commissions. Need section to allow mayor to remove commissioners from office for non-attendance. | | |
| Kenneth Taira | Roles | More clearly id roles of legislative and executive branches. | | |
| Kenneth Taira | Salary Commission | Clarify compensation to include total package including vehicle, uniforms, etc. | | |

| Testifier | Issue | Perspectives | Article/ | Notes |
|------------------|-------------------|--|----------|-------|
| Dorothy Williams | Water | Water is a trust and charter should clear up who has final say so. | | |
| Glenn Shepherd | Water | This is a problem we must take care of if we want to every have things improve. we are mining the lao Aquifer. We need a special commission or | | |
| Jonathan Starr | Water | Need a different governance model. Should be under public works with wastewater and waste management. | | |
| Jonathan Starr | Water | Need to include recycled water, waste water and potable water. | | |
| Nikrihanada | Water | No more commercial developments till every has a meter upcountry. | | |
| Riki Hokama | Water | Make decision one way or another who is responsible. | | |
| Skippy Hau | Water | We have no enforcement of water development. We need to stabilize the aquifers. Drainage is a problem with development. | | |
| David Goode | Water Board | Need to pay members. | | |
| David Goode | Water Board | Only dept. where rules must go to council. Should be like all other dept. | | |
| Jonathan Starr | Water board | Water Board is set up for failure. Can't control their rules or their budget. It should be under the administration. The Board should be more of an advisory board. Another option would be to run it like a public utility under the PUC. | | |
| Skippy Hau | Water Dept. | Independent water department. | | |
| Robert Carroll | Water dept. | Should be under the administration. | | |
| Skippy Hau | Water development | Cost should be paid by public not developer. | | |
| David Craddick | Water Fees, rules | Have rates determination process outlined in charter. | | |
| Jonathan Starr | Water governance | Presented document of various structures. | | |
| Dave Craddick | Water subsidy | We provide a very large subsidy for ag. | | |
| Zandra Amaral | Water/ Planning | Both are political. Politics needs to be taken out. | | |
| Tharmaine wares | Zoning | Spell out council responsibilities in the are a zoning and other land use actions. | | |

| Issue | | Perspectives |
|-------------|---------------------------|---|
| At issue | Mayor | Need to stagger terms to have continuity. |
| Isuura | Commission | There should be specific steps for shoreline management without w |
| istine | Shoreline management | |
| mming | Signage | All sign should be in both English and Hawaiian |
| khilanada | SMA | Shift responsibility from planning commission to council. |
| harmaine | SMA | |
| Tavares | SMA | Move to Council. At least an elected official will make the final call. |
| Diane | | |
| Shepherd | SMA | Explore for Council to be a part of the process because it is going to co back to them and they have no authority. They should at least be involve the appeals process. |
| Jo Anne | | |
| Johnson | | Should be with the council because the planning commission should be advisory. They are not elected and have no real accountability. |
| Kimmo Apana | SMA | Keep under planning comm. so judicial review is retained. |
| Riki Hokama | SMA | There are state laws to consider. Also if changed to the council, there would be no intervening authority. |
| William | SMA | Should change the language so that normal elections are no identified as special elections. |
| Crockett | Special Election | Allow communities to use Tax Increment Financing to do projects the community wants. |
| Buck Joiner | Tax | Need to use technology for participation of citizens, especially from remote areas. |
| Michael | Technology Usage | Should be same as council. They need engineers, architects,... |
| Gagne | Urban design review board | |
| Ron Sturtz | | More direct issues should be on the ballot for voters to decide. |
| James Berg | | |
| Christine | Voters decide | Should have more people on the ballot. Don't limit it to top two. |
| Hemming | Voting | Keep under the public works, not transfer the water dept. because not self-sufficient. |
| Nikhilanada | Wastewater | Put under the Mayor and council. |
| David | Water | Should be informed on what is in the water. |
| Goode | | |
| Charmaine | Water | Water department is in charge of all water by charter. |
| Tavares | | |
| Christine | Water | Water department spends 1% of their budget on natural resources. Water department takes strong responsibility for this. |
| Hemming | Water | Water department takes strong responsibility for this. |
| Dave | Water | Water department takes strong responsibility for this. |
| Craddick | Water | Water department takes strong responsibility for this. |
| Dave | Water | Water department takes strong responsibility for this. |
| Craddick | Water | Water department takes strong responsibility for this. |
| David | Water | Water department takes strong responsibility for this. |
| Craddick | Water | Water department takes strong responsibility for this. |

| Testifier | Issue | Perspectives | Article/ Notes |
|--------------------|--------------------|---|----------------|
| Christine Hemming | Ag Land | Prime ag land should remain in ag. | |
| Nikhilanada | Ag Land | Should make gentlemen estates illegal | |
| Sue Kiang | Arborist Committee | Should have fines for damages, death of trees/shrubs | |
| Glenn Shepherd | At-Large | Should have district representation. provides greater transparency and direct accountability. | |
| James Johnson | At-Large | Used to think district voting was the only way to go. I No longer think so. It would be a violation of our democratic principles. | |
| Jonathan Starr | At-Large | Should move to district elections with a commission set up to determine how. | |
| Lawrence "Larry" | At-Large | Molokai needs to have representation and district voting would be a disservice to Molokai. | |
| Charmaine Tavares | At-large | Consider setting up a separate commission to deal with the issue. | |
| DeGray Vanderbuilt | At-large | Favors district elections so it will allow more opportunity for people to run. | |
| James Berg | At-large | Should have single member districts. | |
| Nikhilanada | At-large | Strongly recommend district voting. | |
| Riki Hokama | At-large | Keep at-large voting for council. | |
| Roy Hiraga | At-large | Molokai and Lanai may not have representation. | |
| Diane Shepherd | At-large Council | No reason why council should be elected at-large. It should be divided up by population. Not a representative government. If council members represented a particular district there would be better planning and more coherency. | |
| Charmaine Tavares | Bal. Of Power | Put similar language under the mayors section as is under the councils. | |
| Daniel Grantham | Beach access | Blocking of beaches should be strictly fined. | |
| Nikhilanada | Board/ Comm. | Encourage more evening meetings including for the council. Utilize HITS at MCC. | |
| Fairfax Pat Riley | Board/ Comm. | Ethics laws were put into effect for good reasons. lanai should not be an exception. | |
| Georgina Kawamura | Board/ Comm. | Need something changed to allow Lanai residence to participate fully. Need to clarify what is a financial interest. | |
| Riki Hokama | Board/ Comm. | Language should be same for all of county. | |

Draft

K. Kinnison
Manning

| Testifier | Issue | Perspectives | Article/ Notes |
|--------------------------------|--------------------------|---|----------------|
| Richard Mirikitani | Board/ Comm. | Currently ethic rules don't allow residents to serve effectively. | |
| Linda Kay Okamoto | Boards and Comm. | Would like Lanai Co. employees to be able to serve and vote on planning commission. | |
| Mike Foley | Boards and Comm. | Establish Community Advisory Boards to advise Mayor, county council, Planning Commission, They would be ongoing committees, 7 members appointed by the council, staggered terms 2,3,4 years, annually elect chair and recording sec., meet monthly and prepare an annual report. | |
| Buck Joiner | Boards and comm. | Need terms to be reduced from five years to three as too hard to get committed volunteers. | |
| Council Committee of the Whole | Boards and comm. | No more than half should belong to the same party. | |
| David Goode | Boards and comm. | Must meet in county facilities. Need to revisit this. | |
| James Berg | Boards/ Comm | Only a few are listed. Shouldn't all be listed. | |
| James Johnson | Boards/ Comm. | Should they be appointed or elected. | |
| Mary Anderson | Boards/ comm. | Need to have Board/comm for more of the dept to improve more community participation. | |
| Ron McOmber | Boards/ comm. | Let employees, not supervisors serve. Keep ethics rule in place. It's a working piece of equipment. | |
| Gladys Baisa | Budget | Need to change the time lines of the county budget. Would like multi-year funding. Spell out in the Charter the non-profit grant review. | |
| Wes Lo | Budget | Changing date provide no real benefit to budget. | |
| Jocelyn Pereira | CAC | Current selection process should continue. Should serve longer. 60 days to develop a plan is unrealistic. | |
| Ron McOmber | CAC | Council should not wipe out CAC recommendations. | |
| Lucienne De Naie | CAC's | Should be kept on further in the process. | |
| Skippy Hau | Candidate Qualifications | Should be at least one year and not 90 days. | |
| Jonathan Starr | Charter | Should start large and give the voters much more to determine. | |
| Nikhilnada | Charter | Should not cost \$2 to get the book. All county documents should be free. | |
| Riki Hokama | Charter | It works. Don't legislate through the charter. | |

| Testifier | Issue | Perspectives | Article/ Notes |
|-------------------|--------------------------|---|----------------|
| Susan Bradford | Charter | Give voters a broad base of decisions to vote on. | |
| Rob Laughton | Charter Implementation | Mandate review of laws before implemented. | |
| William Crockett | Charter Neutral to dev. | The charter is neutral on development. All areas cannot be covered in the charter. State laws limit the charter in zoning. | |
| Kimo Apana | Coastal Land Acquisition | Should put at least 1% of revenues into land acquisitions. It should be part of budget instead of battling with the council every year. | |
| Christine Hemming | Comm. composition | Planning and water boards should be voted on. | |
| Edyie Treutler | Comm/Boards | Can't vote so why serve on comm. She did not complete terms because of this. | |
| Dorothy Williams | Community Participation | Not enough people are involved. If it were fun they would come. | |
| Buck Joiner | Community Plans | Put teeth into general/community planning process. Is it a law or an ordinance? | |
| Christine Hemming | Community Plans | Should be upheld as law | |
| Dave Chenowith | Community Plans | Adjusted on a on-going basis. | |
| David Craddock | Community Plans | All dept. should follow, not just water. | |
| Diane Shepherd | Community Plans | Process is too long and plans end up not being what community wanted. Areas designated as parks end up falling prey to back room deals. There should be timetables for when things happen. | |
| Diane Swenson | Community Plans | Concerns that plans should not be considered law since other needs still need to be addressed. | |
| Dorothy Williams | Community Plans | Community Plans are not followed as they should be. Need infrastructure to keep up with developments. Perhaps general plan and community plan process should be in the Charter. | |
| James Berg | Community Plans | Need to have a time line. The plan developed in 1993 doesn't address the concerns of Molokai today. | |
| Michael Gagne | Community Plans | CAC recommendations need to be a stronger document. Give community's more power in planning. | |
| Mike Foley | Community Plans | They are legally binding documents, not guides. Maps, ordinances and plans should all be consistent and they are not. Plans should include affordable housing, parks and open space, growth management, transportation alternatives, shoreline protection, agriculture preservation, public facilities, preservation of historical and cultural resources, detailed implementation time lines and dept. responsibilities. | |

| Testifier | Issue | Perspectives | Article/ Notes |
|--------------------------|-----------------|--|----------------|
| Robert Nichols | Community Plans | Need to include the laws and ordinances which need changing or updating in the final chapter of the plans. | |
| Robert Nichols | Community Plans | Should be used as blueprints for future growth. Serve as a primary reference when no ordinance exists. | |
| Ron Sturtz | Community Plans | Frustrating they are not followed. | |
| Ron Sturtz | Community Plans | Should be required to specify affordable housing, parks and open space, growth management, transit alternatives, shoreline protection, ag provisions, historical/cultural preservation for native Hawaiian community. Should also include alternative energy and energy production language. | |
| Stephanie Crivello | Community Plans | Council should be responsive. Need to meet a deadline. | |
| Charlie Maxwell | Community plans | We work our butts off and it's not followed. Need to control how water is being used. Need to have them be the law. | |
| Daniel Grantham | Community plans | Should have force of law. | |
| DeGray Vanderbuilt | Community plans | Should be viewed as having weight of law. The planning department and director can't think of any projects which has not been consistent with the plans yet the communities are very upset. | |
| Elliot Krash | Community plans | Ensure economic development as well as maintaining culture/environment. Stagger the cycle in planning. Utilize the community plans. Advisory committees should have role in the interim between plans. Maybe we need a permanent CAC or Neighborhood Board. Planning districts are on congruent with council representation. | |
| Jocelyn Perreira | Community plans | Develop a better schedule for the plans. | |
| John Omellas | Community plans | Should be adhered to. Council needs a deadline to implement. | |
| Lawrence "Larry" Swenson | Community plans | Need to have ability to amend as needs change. | |
| Mercer "Chubby" Vicens | Community plans | Agree with others regarding CAC's | |
| Nikhilanada | Community plans | Encourage revisions. | |
| Nikhilanada | Community plans | Need to have effect of law expressed in the charter. | |
| | | | |

| Testifier | Issue | Perspectives | Article/ | Notes |
|--------------------------------|---------------------|--|----------|-------|
| Richard Mayor | Community plans | <p>Create a cycle for planning. Allow CAC' to facilitate planning discussions. Planning dept. must provide clear rationale if they vary from CAC recommendations. Keep CAC's in place to meet every three years to give councils, planning commission, planning dept. updates. Require the planning director to prepare an annual report on land use issues. Both the charter and plan should have specific language on how plan should be implemented. Create a mechanism for state and county to better cooperate. Strong need for an enforcement component (Planning Prosecutor). Concurrence is often too late. Need infrastructure in prior to approval of projects. Up-designating of land into more intensive use should require public hearing in community effected. Implementation matrixes should include cost estimates, prioritization, time lines.</p> | | |
| Richard Mayor | Community plans | <p>Require proactive e rather than reactive planning. Require a physical infrastructure assessment done by off island firm to include baseline carrying capacity. Permit "fair share" assessments. Integrate planning with water dept/board. Use normal process for amendments. Allow legal mechanism for moratorium or down zoning. Establish community boundaries and encourage community associations to be set up in each community with standing before boards and commissions.</p> | | |
| Richard Minkitani | Community plans | <p>Review should have deadlines</p> | | |
| Sherri Carden-McDonald | Community plans | <p>Why are developers allowed to develop lands that were designated as parks in the community plans. Where is the accountability.</p> | | |
| Stephanie Crivello | Community plans | <p>Communities should have home rule on plans.</p> | | |
| David Goode | Community Plans | <p>Include anticipate population increases that are acceptable. Clarify if plans are policy of defacto zoning.</p> | | |
| Diane Shepherd | Consistency | <p>Should be consistency between general plan, community plans, zoning ordinances, and zoning maps.</p> | | |
| Charmaine Tavares | Corp. Counsel | <p>Give council ability to remove.</p> | | |
| Nikhilanada | Corp. Counsel | <p>Need to have more than one counsel to make independent decisions.</p> | | |
| Wayne Nishiki | Corporation Council | <p>Need to clarify language to allow County Council to get easy access to services and clear up vagueness of "dealing with county employees".</p> | | |
| Council Committee of the Whole | Corporation council | <p>Would like council to have the ability to remove corporation council.</p> | | |
| Jack Crow | Cost of Gov't Comm. | <p>Need to increase to three year terms.</p> | | |

| Testifier | Issue | Perspectives | Article/ | Notes |
|------------------------|-----------------------------|--|----------|-------|
| Helen Nielson | Council Full Time | Thought the council should be full time with compensation to match. | | |
| Mercer "Chubby" Vicens | Council Full Time | Council member should be full time with salaries raised. | | |
| John Omellas | Council Full time | Make their positions full time with appropriate compensation so conflict of interest can be avoided. | | |
| Jonathan Starr | Council Full time | Should be full time and compensated proportionately. | | |
| Lynne Woods | Council Full time | Make the position full time rather than Part-time. | | |
| Riki Hokama | Council Full time | Council member work hard/ full time | | |
| Christine Hemming | Council meeting on Internet | Software was bought to allow this but not being used. | | |
| John Omellas | Council term | Change to four year. They can get more done. | | |
| Jonathan Starr | Council Terms | 4 year staggered | | |
| Riki Hokama | Council Terms | 4 year terms | | |
| Sherri Carden-McDonald | Council Terms | Would like four year terms. | | |
| Daniel Grantham | Council terms | Keep two year terms. | | |
| Gladys Baisa | Council terms | 4 Year terms. | | |
| Jocelyn Perreira | Council terms | Four year terms, but two term max. unless the person receives 51% of the vote, they can have a third term. | | |
| Lynne Woods | Council terms | 4 year terms, two possible | | |
| Mercer "Chubby" Vicens | Council terms | Four year terms with a max. of three terms | | |
| Nikhilnada | Council terms | 2 year terms | | |

| Testifier | Sue Council terms | Perspectives | Article/ | Notes |
|--------------------|------------------------------|---|----------|-------|
| Robert Carroll | | 4 year terms, staggered, limit three consecutive terms. | | |
| William Crockett | Council terms | Should not have term limits. Need to balance the strong Administration. | | |
| Zandra Amaral | Council terms | Should have 4 year terms staggered. | | |
| Ron McOmber | Council Terms | Four year terms for council. | | |
| Edwin Lindsey | Cultural Heritage | Needs to be foremost. Other issues should revolve around it, water, accountability, decision making, developing...Hawaiian property rights are being ignored. | | |
| James Johnson | Cultural Resources | Should have same authority as planning commission. | | |
| Charlie Maxwell | Cultural Resources Committee | Don't have plans or maps of sites. | | |
| Riki Hokama | Debt Cap | Need to set a debt. Cap for county, 7% of total budget. | | |
| David Goode | Debt Service | At time may need to allow transfer of funds. Should be allowed. | | |
| Robert Nichols | Dept. Coordination | Water, public works, and parks should provide planning commissions with yearly reports of goals, objectives and priorities. | | |
| James Johnson | Dept. Heads | Council should review and approve appointments. | | |
| David Goode | Deputy Director | Support second deputy director. | | |
| Skippy Hau | Development | Need infrastructure first, sewage treatment, water shed management. | | |
| Christine Hemming | Directors removal | If violate the law they should be removed. | | |
| Alton Arakaki | Education | More education needs to be done about the charter. Format may need to change. | | |
| DeGray Vanderbuilt | Education | Need more education to the public on this commission's charge are responsibility. The binder lacks testimony already received. | | |
| Stephanie Crivello | Education | People are ignorant of the charter. Maybe should host coffee hours and just talk story. | | |
| Edwin Lindsey | Environment | Need to protect against invasive species. | | |
| Nikhilanada | Environment | Encourage renewable energy, public transportation. Need to protect east Maui streams and Waiahole Ditch. | | |

| Testifier | Issue | Perspectives | Article/ Notes |
|--------------------|-----------------|--|----------------|
| Skippy Hau | Environment | Need to protect against pollution of streams. Homeowners misuse pesticides which cause pollution. Need to recycle more. land fill space is limited. | |
| Donald Couch | Ethic Comm. | submitted clarifying language | |
| Donald Couch | Ethics | Lanai Co. Issue, commission feels that there are protections for good reasons. Will discuss again at next meeting and bring back. | |
| Nikhilanada | Ex- dept head | No formal dept. heads of assistant deputy should appear before the council representing a private firm. | |
| Dain Kane | Fire Chief | Sent recommendations of public safety comm that fire chief selection include comm. | |
| Joseph Blackburn | Fire Chief | Need higher qualifications of fire chief and deputy. | |
| Elvin Kamoku | Fire Comm. | Desire a fire and rescue services comm. | |
| Joseph Blackburn | Fire Comm. | Establish a fire comm. | |
| Rochelle Knight | Fire Commission | What would happen to current Public safety Comm. Will Civil Defense be under Fire Commission. | |
| Joseph Blackburn | Fire dept | Include Medical response in duties | |
| Patti Eason | Fire dept. | Concern Hana doesn't have a fire dept. | |
| Alton Arakaki | Home Rule | Need more home rule. | |
| Nikhilanada | Housing | Need truly affordable housing. | |
| Nikhilanada | Huelo | Move Huelo to be represented with Haiku, not Hana | |
| Christine Hemming | Impact fees | Should be collected on anything over six houses | |
| DeGray Vanderbuilt | Initiative | Supports easier way to get issues on the ballot. 5 % of registered voters for a petition. | |
| Mike Foley | Initiative | Reduce from 20% to 10% | |
| Nikhilanada | Initiative | Take away the section which says it should first go through the council. Should only be 5-10%. Social Security numbers should not be required. The time line needs to be changed to file initiatives. Make it 90 days rather than 130. Makes it 60 days for supplementary petitions. Do away with special elections. Have it at the next election. | |
| Ron Sturtz | Initiative | Process is not employed. # needed for a petition be aligned to # of actual voters rather than registered voters. Should be significantly smaller number on a petition, 5-10%. Time line for submitting initiatives much too short. Should be 90-120 days. | |
| Diane Shepherd | Initiatives | Should be 10% of voters | |

| Testifier | Issue | Perspectives | Article/ | Notes |
|--------------------|---------------------------|--|----------|-------|
| Roy Hiraga | Instant Run off | Current equipment cannot tally votes properly. May initially have confusion at the ballots. It would be longer to check the ballots for accuracy. | | |
| James Johnson | Instant Run off | Great idea. There is a video out which simplifies the issues. | | |
| Nikhilanada | Instant Run off | Should have instant run-off with and "none of the above" option on the ballot. | | |
| Blair Bobier | Instant Run-off Elections | Supports the instant runoff process. | | |
| James Johnson | Judicial Branch | We need to create a judicial branch. We need a council counsel equal to the cooperation counsel. | | |
| Nikhilanada | Land access | Look into limiting liability for crossing land to get to shoreline or mountains. | | |
| Daniel Grantham | Land Acquisition | Supports mayor's 1% proposal | | |
| DeGray Vanderbuilt | Land Acquisition | Will appropriate proportions of the money be given to Molokai. Maybe 10% should go to Molokai for the people there to decide how to use it. | | |
| Helen Neilson | Land Acquisition | Need money set aside for land acquisition. | | |
| James Johnson | Land Acquisition | Supports the Mayor's proposal but 1% too low. The county has not done enough to preserve the coastal areas. | | |
| Charlie Maxwell | Land preservation | need to preserve land. Should keep sugar. Places of sensitivity should not be developed. We need to include Haleakala in our plans. | | |
| Joseph Blackburn | Life Guards | transfer to fire dept. because of similar rescue duties. | | |
| Daniel Grantham | Life style going down | "Child of Nature" narrative | | |
| Franklin L Silva | Liquor commission | Delete "control", Add ability to convey real property, keep revenues in a separate fund. | | |
| Buck Joiner | Mayor qualifications | Move language after 1st sentence in 7.3 to 7.6 | | |
| John Omellas | Mayor term | Change from 4-6 years. | | |
| Buck Joiner | Moral Turpitude | Need further definition | | |
| Council Committee | Neighborhood Boards | Give to the Charter Commission | | |
| John?? | Neighborhood Center | Need more recycling with trash pick-up, fish ponds restored, gardening center with water, more tree on streets, architecture protection, energy saving-turn street lights out, farm assessments. | | |
| Jonathan Starr | Non partisan | If anyone get 51% during the primary, should not have to run in general. | | |

| Testifier | Issue | Perspectives | Article/ Notes |
|--------------------|----------------------------|--|----------------|
| Zandra Amaral | Non-Partisan | Leave it as it is. | |
| Charmaine Tavares | Non-partisan | Resist temp. to change non-partisan elections. | |
| David Mackwell | Open Space | Supports fund and structure to enable more open space land acquisition. | |
| Helen Nielson | Open Space | Support Mayor's proposal of 1% though it may not be enough. | |
| Jonathan Starr | Open Space | Support Mayor's 1% if not more. Believes in shoreline as well as mountain access. | |
| Susan Bradford | Open Space | Need to have open space land acquisition. Polls show Mauian want this and are willing to set aside 2.5% for this. Partnerships are important. No one expects the county to do this by itself. There needs to be a commitment by the county that landowners know there is "earnest money". We can barely find land in South Maui that could be set aside without taking something down. | |
| Claire Cappelle | Open space | Supports mayor's proposal. | |
| Lucienne De Naie | Open space | We need a definition of open space and to treat preservation as an infrastructure which requires funding. | |
| Nikhilanada | Open space | Support Mayor's proposal but it should be 5%. | |
| Tom Pierce | Open space | We need to invest to save our open space. 1% may not be enough but it is a start. It can also come in the form of tax breaks for agreement not to develop certain lands. We need to be willing to compensate land owners for keeping their property open space. | |
| Dave Chenowith | Open Space Fund | Support of an open space fund to acquire land designated as open space. 2/3 of Mauians support. | |
| Edwin Lindsey | Ordinance | We have lack of enforcement of ordinances. We end up with planning by lawsuit. Do it and say sorry later. | |
| Zandra Amaral | Participation | Not enough of the community is participating in the process. Do what is right for the majority, not just the people here testifying. | |
| Buck Joiner | Partisan election language | Eliminate references to party since no longer have partisan elections | |
| Claire Cappelle | Planning | Need to see how planning director is using the coastal zone management fund from the federal gov't. | |
| DeGray Vanderbuilt | Planning | Want to keep planning authority within the planning commissions. Molokai wants to keep their commission. | |
| Glenn Shepherd | Planning | Should come under Dept. of Public works so things don't fall through the cracks. | |
| John Min | Planning | Add long range planning to duties. | |
| John Min | Planning | Reconfiguring staff for more emphasis on planning. | |

| Testifier "Larry" | Issue Planning | Perspectives | Article/ | Notes |
|-------------------------|----------------------|--|----------|-------|
| Lucienne De Naie | Planning | The current structure for the planning commission is working for Molokai. Don't change it. Want to be involved in planning and have the community's involvement count. There is a lack of trust. We also need to define concurrency. There needs to be a time out time till infrastructure needs catch up. Zoning needs to be re-looked at to maybe down zone some areas. | | |
| Nikhilanada | Planning | Delete authority of Coastal Zone management and rule adoption from Planning comm. Leave it for Molokai and Lanai since it seems to be working there, but take it out for Maui. | | |
| Nikhilanada | Planning | Disallow gated communities. | | |
| Nikhilanada | Planning | Planning should be renamed permits office because they do no turn anything down or plan. Develop a new dept. called Land Use and Planning. | | |
| Cynthia Arruiza | Planning Comm. | Wants to be able to serve on the planning commission but can't because can't vote on issues involving her employer. | | |
| John Ornellas | Planning Comm. | It is difficult for one company town to have representation on the planning commission. | | |
| Matthew Hart | Planning Comm. | Feel there needs to be a way for Lanai Co. employees to serve on the planning comm. | | |
| Steven Hao Jr. | Planning Comm. | Eliminate the planning commission and utilize neighborhood boards. | | |
| Fairfax Pat Riley | Planning comm. | Wants to keep Lanai planning comm. Haven't had it long enough. | | |
| Elliot Krash | Planning Commission | Need to consider infrastructure and development. | | |
| Rob Laughforty | Planning Commission | Council should be final authority. Commission is advisory. | | |
| Robert Nichols | Planning Commission | Planning commissions for all active communities, each with nine members. Planning commission should also be board of variances and appeals. | | |
| Sherri Carden-McDonald | Planning commission | Should be more clearly advisory. What they have done is not in the best interest of the community who put their trust in them. | | |
| Ron Sturtz | Planning Commissions | Need to have charter define what is law and what are guidelines for planning commission to follow. | | |
| Victoria Takeyesu | Police Comm. | delete "and submit to the mayor" appropriation request as unnecessary. | | |
| Ron McOmber | Police Lt. | Police Lt. on Lanai should have a four year term to be more familiar with the community. | | |
| Tom Blackburn Rodrigues | Poverty | Would like to have a state of the county in terms of affordable housing, income to own a home, livable wage, how many people don't have health care or can't afford child care. | | |
| Kenneth Taira | Preamble | Include why we exist. | | |

| Testifier | Issue | Perspectives | Article/ | Notes |
|--------------------|-----------------------------|---|----------|-------|
| Ron McOmber | Public access | People on Lanai would really be left out without Akaku. Need more meetings to be taped so others can participate. | | |
| Teresa McHugh | Public Land Trust | Establish a public land trust fund. Set aside 2.5% of real property taxes for open space acquisition. | | |
| Riki Hokama | Public Safety Comm. | Should have a comm. to cover both fire and police. | | |
| Jocelyn Pereira | Public testimony | Supports a new process to encourage more involvement. | | |
| Michael Gagne | Public testimony | Need less acrimonious process. | | |
| David Goode | Public works | Clarify which building responsible for. | | |
| David Goode | Public works | Include planning in responsibilities. | | |
| David Goode | Public works | Include solid waste e in duties. | | |
| Lloyd Lee | Public works | Delete waste management in title of dept. Add deputy director with qualifications and responsibilities. Both the director and deputy dir. should be registered professions civil engineers. | | |
| Steven Hao Jr. | Public works | There should be something in public works about recycling. | | |
| David Goode | Public Works deputy | seek advise from attorney about whether to include. | | |
| DeGray Vanderbuilt | Publicity | Need Maui News to be more involved in covering the work of the charter commission. | | |
| Nikhilanada | Publicity | All votes by the county council should be reported in general distrib ution newspaper | | |
| David Goode | Qualifications for director | No need for changes. | | |
| Mike Foley | Recall | Reduce the petition rate from 20% to 10%. Eliminate the requirement of 50% vote in Sec. 12.6 | | |
| Un- authored | Recycle | Make mandatory rather than voluntary. Charge with real property taxes or sewage or other accounts. Making recycling convenient | | |
| Lucienne De Naie | Recycling | We need a commitment to recycling. | | |
| Buck Joiner | Removal of Comm. Members | Attendance is a problem for many commissions. Need section to allow mayor to remove commissioners from office for non-attendance. | | |
| Kenneth Taira | Roles | More clearly id roles of legislative and executive branches. | | |
| Kenneth Taira | Salary Commission | Clarify compensation to include total package including vehicle, uniforms, etc. | | |

| Testifier | Issue | Perspectives | Article/ | Notes |
|-------------------|-------------------|--|----------|-------|
| Dorothy Williams | Water | Water is a trust and charter should clear up who has final say so. | | |
| Glenn Shepherd | Water | This is a problem we must take care of if we want to every have things improve. we are mining the lao Aquifer. We need a special commission or | | |
| Jonathan Starr | Water | Need a different governance model. Should be under public works with wastewater and waste management. | | |
| Jonathan Starr | Water | Need to include recycled water, waste water and potable water. | | |
| Nikhilnada | Water | No more commercial developments till every has a meter upcountry. | | |
| Riki Hokama | Water | Make decision one way or another who is responsible. | | |
| Skippy Hau | Water | We have no enforcement of water development. We need to stabilize the aquifers. Drainage is a problem with development. | | |
| David Goode | Water Board | Need to pay members. | | |
| David Goode | Water Board | Only dept. where rules must go to council. Should be like all other dept. | | |
| Jonathan Starr | Water board | Water Board is set up for failure. Can't control their rules or their budget. It should be under the administration. The Board should be more of an advisory board. Another option would be to run it like a public utility under the PUC. | | |
| Skippy Hau | Water Dept. | Independent water department. | | |
| Robert Carroll | Water dept. | Should be under the administration. | | |
| Skippy Hau | Water development | Cost should be paid by public not developer. | | |
| David Craddick | Water Fees, rules | Have rates determination process outlined in charter. | | |
| Jonathan Starr | Water governance | Presented document of various structures. | | |
| Dave Craddick | Water subsidy | We provide a very large subsidy for ag. | | |
| Zandra Amaral | Water/ Planning | Both are political. Politics needs to be taken out. | | |
| Charmaine Tavares | Zoning | Spell out council responsibilities in the are a zoning and other land use actions. | | |

| Testifier | Issue | Perspectives | Article/ | Notes |
|-------------------|---------------------------|---|----------|-------|
| Scott Matsura | Mayor Commission | Need to stagger terms to have continuity. | | |
| Christine Hemming | Shoreline management | There should be specific steps for shoreline management without waivers. | | |
| Nikhilnada | Signage | All sign should be in both English and Hawaiian | | |
| Charmaine Tavares | SMA | Shift responsibility from planning commission to council. | | |
| Diane Shepherd | SMA | Move to Council. At least an elected official will make the final call. | | |
| Jo Anne Johnson | SMA | Explore for Council to be a part of the process because it is going to come back to them and they have no authority. They should at least be involved in the appeals process. | | |
| Kimo Apana | SMA | Should be with the council because the planning commission should be advisory. They are not elected and have no real accountability. | | |
| Riki Hokama | SMA | Keep under planning comm. so judicial review is retained. | | |
| William Crockett | SMA | There are state laws to consider. Also if changed to the council, there would be no intervening authority. | | |
| Buck Joiner | Special Election | Should change the language so that normal elections are no identified as special elections. | | |
| Michael Gagne | Tax | Allow communities to use Tax Increment Financing to do projects the community wants. | | |
| Ron Sturtz | Technology Usage | Need to use technology for participation of citizens, especially from remote areas. | | |
| James Berg | Urban design review board | Should be same as council. They need engineers, architects,... | | |
| Christine Hemming | Voters decide | More direct issues should be on the ballot for voters to decide. | | |
| Nikhilnada | Voting | Should have more people on the ballot. Don't limit it to top two. | | |
| David Goode | Wastewater | Keep under the public works, not transfer the water dept. because not self-sufficient. | | |
| Charmaine Tavares | Water | Put under the Mayor and council. | | |
| Christine Hemming | Water | Should be informed on what is in the water. | | |
| Dave Craddick | Water | Water department is in charge of all water by charter. | | |
| Dave Craddick | Water | Water department spends 1% of their budget on natural resources. Water department takes strong responsibility for this. | | |
| David Craddick | Water | clarify to include potable water, non potable water, fire water, parks water, waste water, storm water, watershed, and "private" water. | | |

Council Chair
Patrick S. Kawano

Council Vice-Chair
Dain P. Kane

Residing Officer Pro Tempore
Charmaine Tavares

Council Members
Alan M. Arakawa
Robert Carroll
G. Riki Hokama
Jo Anne Johnson
Michael J. Molina
Wayne K. Nishiki



Director of Council Services
Ken R. Fukuoka

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793

October 22, 2001

Terryl VencI, Chair and Members
Charter Commission
County of Maui
Wailuku, Hawaii 96793

Dear Chair VencI and Members of the Maui County Charter Commission:

I am recommending the following changes, and hope you will take them under consideration. I am available to answer any questions you may have about these recommendations.

Article 3, Section 3-1, "Composition." In the section on residency areas for council seats, use geographical boundaries, instead of defining residency areas in terms of official precincts.

Article 3, Section 3-2, "Election of Council and Term of Office," Subsections 3 and 4, and Article 7, Section 7-3, "Election of Mayor and Term of Office," Subsections 3 and 4. Instead of a conventional first special election and second special election, please substitute wording which would provide for a ranked-choice voting (or instant run-off voting) system. We are providing legal language, Sect.13.102, that will be placed on the ballot in San Francisco, which may help serve as a template for a similar charter amendment here.

Article 3, Section 3-2, "Election of Council and Term of Office," Subsection 5. I believe the term of Council Member shall be four years, with staggered terms with five members elected in one election, and four elected in the following election. There shall be a term limit of three consecutive four-year terms, or no more than 12 consecutive years in office including any two-year terms or partial terms already served.

Also, the Charter should specify that the Council Member position shall be considered a full-time position.

Article 3, Section 3-6, "Powers of Council." Add Subsection 7:

To initiate a directive to begin condemnation proceedings, and to direct Corporation Counsel to act on its behalf in such a matter.

Unfortunately, the Council now does not have the power to initiate a condemnation of land. Resolutions to the Mayor urging condemnation proceedings may be ignored, and thus the county sometimes finds itself in the position of later obtaining land at a higher price.

Article 3, Section 3-8, "Restrictions on Council and Council Members," Subsection 1. Please change this section as follows:

Neither the council nor any of its members shall, in any manner, dictate the appointment or removal of any officer or employee appointed by the mayor or by his subordinates[.], except that the County Council may, by a majority vote, vote to remove the Corporation Counsel.

Article 3, Section 3-8, "Restrictions on Council and Council Members." Subsection 2. Delete a portion of the first sentence:

[Except for the purposes of inquiries under Subsection 3-6(3), the council or its members, in dealing with county employees or with county officers other than those appointed pursuant to Section 3-7 or Article 5, shall deal solely through the mayor, and] N[n]either the council nor its members shall give orders to any [such] county employee or officer, other than those appointed pursuant to Section 3-7 or Article 5 or as necessitated by Section 8-2.3, either publicly or privately.

The purpose here is to give Council Members and their staff the same opportunity to request information directly from departments, which is an opportunity afforded members of the public under the Sunshine Law. By listing Corporation Counsel (Article 8, Chapter 8-2.3, Powers, duties and functions of Corporation Counsel) as excluded from the provision on giving orders, it will make it clear that Corporation Counsel is not to ignore deadlines set by the County Council or its subcommittee.

Article 7, Section 7-3, "Qualifications," add in the following manner:

If the mayor ceases to be a voter of the county or is adjudicated guilty of a crime of moral turpitude, or of a felony, the mayor shall immediately forfeit the office of mayor.

Article 8, Chapter 2, "Department of the Corporation Counsel," Section 8-2.2.
Add language after the first sentence stating:

The County Council may, by a majority vote, vote to remove the Corporation Counsel.

Article 8, Chapter 2, Section 8-2.2d, add in the following words.

Perform such other duties and functions as shall be assigned by the mayor, or by the County Council or a Committee of the County Council.

Article 8, "County Departments" Chapters 5 and 8, I propose the following changes:

Create three departments out of two existing departments by shifting functions of Public Works and Waste Management and the Department of Planning.

Create a Department of Environmental Management, which would manage the wastewater and solid waste divisions. This follows a nationwide trend of creating combining the two waste agencies into a separate department where knowledge of Environmental Protection Agency laws is paramount.

Create a Department of Public Works and Transportation, which would be responsible for maintenance of public buildings and roads, civil engineering of public buildings and roads, drainage and flood control, and overseeing mass transit systems such as a bus system or light rail system. Any buildings that are *not* included as the responsibilities of the Public Works and Transportation Department would be excluded by enactment of a county ordinance, which would specify which properties are under the authority of Parks, Fire, or any other county department.

Create of Department of Growth Management. This would be similar to the Department of Planning and Permitting that the County of Honolulu has created. It is also modeled upon Monroe County, Florida, otherwise known as the Florida Keys. We include some information about Monroe County's governmental organization, and encourage you to gather further information at their web site.

Within this new department, I recommend the following divisions: Long-Range Planning Division, Zoning Division, Building and Permitting Division, and Environmental & Cultural Resources Division. The latter division could include biologists and cultural experts who could review plans from their vantage point.

The department shall administer building and housing codes, subdivision and zoning ordinances, in addition to the functions of the existing Planning Department. Enforcement could be under each division: zoning enforcement under Zoning Division; building enforcement under Building Division.

The purpose here is to facilitate better communication between the Building and Permitting Division and the Zoning and Long-Range Planning Divisions. Having these divisions housed under the same department allows better consistency between permitting, zoning and planning functions.

Article 8, Chapter 8, Section 8-4, 'Planning Commissions,'
Subsection 4, add to that language in the following manner:

Act as the authority in all matters relating to the Coastal Zone Management law, with the following provision for appeal. An appeal may be brought within 30 days of a Coastal Zone Management decision by a county planning commission. By gathering a petition of 500 or more registered voters within that 30 day period, as certified by the County Clerk, such petition shall be brought before the Maui County Council, which may by a majority vote reverse or modify the original planning commission decision. This appeal provision shall not in any way abridge the rights of individuals to a contested case or appeal before the circuit court.

I believe that by having an appeal process, we still allow the vast majority of decisions to be made by the commissions, many of which are routine matters. By allowing an appeals process, the County Council will be able to act in the public interest to see if there were errors made in the original commission determination.

Article 8, Chapter 7, Section 8-7.2 "Fire Chief." The fire chief shall be appointed by the public safety commission [mayor] and may be removed by the [mayor] public safety commission.

Article 10, "Code of Ethics," Section 10-4, Subsection 2, "Prohibitions," change the following:

- a. No former mayor or council member shall appear for compensation before any department or other agency of the county within a period of [one] two years after leaving the county elective office.
- b. No former non-elected salaried employee or officer of the county shall appear for compensation before any department or other agency of the county by which such employee or officer was last employed within a period of [one] two years after termination of service to or employment with the county.

Article 13, Section 13-2, "Boards and Commissions." Add a new Subsection 18, stating:

If a board or commission member ceases to be a voter of the county or is adjudicated guilty of a felony, the board or commission member shall immediately forfeit office.

Article 14, "Charter Amendment," Section 14-3, "Mandatory Review." Change the wording in this section to reflect that the charter is reviewed in the year that ends in "1". Also, rewrite the language in order to state that the mayor shall submit names by March 1, and the council should act to approve or disapprove by April 15. If the council acts to disapprove any names, the mayor has 15 days to submit new names, which should be acted upon within 45 days by the Council.

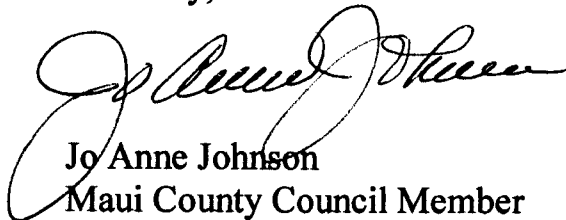
Article 14, "Charter Amendment," Section 14-4 "Special Charter Commissions" is obsolete. Delete it.

Article 15, "Transitional Provisions," Section 15-2, "Existing Laws and Conflicting Laws," change in the following manner:

All laws which are inconsistent with the charter shall be superseded by the provisions of this charter at its effective date, including those state provisions which were designed to guide the formation of county charter commissions.

Thank you for your careful attention to all these matters. Please feel free to contact me or my staff for further clarification on any of these suggestions.

Sincerely,



Jo Anne Johnson
Maui County Council Member

enclosures

Kula Community Association
P.O. Box 417 - Kula, HI 96790
<http://kulamaui.com>

The vision of the Kula Community Association is to preserve open space, support agriculture, maintain a rural residential atmosphere, and to work together as a community.
The specific purpose of this association is to improve the quality of life for the residents of Kula, to promote civic welfare and generally to benefit the community of Kula.

Policy and Position Statements on Water
(Adopted by Board of Directors 2/3/00)

Policy Statement

A consistent supply of water for agricultural and domestic use is essential to meet the health and safety needs of all Kula residents, including those on Hawaiian Homelands, and to maintain the economic viability and rural atmosphere of Kula for the current and projected populations as outlined in the "Makawao-Pukalani-Kula Community Plan".

Position Statements

Upcountry Plan - Hawaiian Homelands, Agriculture, and Development

The Board and Department of Water Supply must honor the "Makawao-Pukalani-Kula Community Plan" that establishes the Hawaiian Homelands and agriculture as the highest priorities for delivery of water and outlines development patterns and limits for the region.

Source, Storage and Delivery Systems Priorities and Cost Schedule

The Board and Department of Water Supply should establish as its highest priority the development of water source, storage, and delivery systems prior to actual demand. The Kula community and other communities affected should be provided prioritized construction schedules including projected costs and completion dates for upgrading the Upcountry water systems to meet quality and quantity needs for present and projected populations, including the Hawaiian Homelands developments.

Funding

The Board of Water Supply should examine all sources of funding for its priority list of source, storage, and delivery improvements including, but not limited to, federal and state funding sources, large-developer fees and surcharges, bond debt, and user rate increases.

Meter Issuance Rules

The Board of Water Supply should revise its meter issuance rules and monitor their application to ensure that new meters are issued fairly and in accordance with priorities specified in the "Makawao-Pukalani-Kula Community Plan". There must be a method of issuing meters that limits issuance until there are sufficient reserves in the Upcountry water systems to meet domestic, agricultural, and safety needs during a drought for six months with a maximum ten percent reduction in use. No exceptions should be made

to the order of the water meter waiting list unless provision for certain exceptions is specified in the rules and each specific exception is justified to the Kula community and other communities affected.

Reservoirs

The Board and Department of Water Supply should pursue planning and budgeting for the construction of appropriately located reservoirs, such as the Piiholo reservoir on the Lower Kula Water System.

Wells

The Board and Department of Water Supply should develop ground (underground) water sources to be included in the Kula water systems, provided environmental impact issues are addressed.

Agricultural Water Line

The County, State, and Federal agencies should continue the funding, collaboration, and support required to complete and maintain the Upper Kula agricultural water line.

Conservation Programs and Incentives

The Board and Department of Water Supply should expand its educational and informational programs and establish incentives promoting conservation of all water resources. Incentives to be considered include: continuation of lower rates for reduced use; a systemwide, seasonal rate structure; tax breaks for the construction and use of drip irrigation, reservoirs, and cisterns; and grant funding to support reforestation.

Public Disclosure and Participation

The Board and Department of Water Supply should make its announcements, agendas, dealings, transactions, and policies transparent and available to all by publishing this information on the Internet and having printed copies available at their offices. This published information should include: descriptions, diagrams, and maps of the water system; the Department of Water Supply budget, including projected Capital Improvement Plan projects; water meter waiting lists; rules and proposed rule changes; acceptances and rejections of new meters; commercial and agricultural projects that require approval from the Board or Department of Water Supply; and special projects and applications that are pending decisions. The Board and Department of Water Supply should continue and extend their practice of involving communities in informational and decision making meetings, giving adequate notice of meetings and time for public response before taking action.

Kula Community Association

P.O. Box 417 - Kula, HI 96790 - <http://kulamaui.com>

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The specific purpose of this association is to improve the quality of life for the residents of Kula, to promote civic welfare and generally to benefit the community of Kula.

Maui County Charter Review Commission - October 22, 2001

During the public comment phase of the Charter review process, Maui citizens have voiced their concerns about our government's structure and functions. They have raised questions and offered suggestions and specific solutions. Some of our concerns might be resolved through revisions to the Charter. Others might be addressed more appropriately at a lower level through other means including, but not limited to: revising ordinances, reorganizing offices, improving processes for citizen iparticipation, redirecting funding, and monitoring compliance.

In the past decade Kula residents' priorities have been related to development, water, recreation/environment, and health/safety. Recently, the focus has been on planning as it should be employed to address problems in these areas. The residents' concerns have been expressed consistently and repeatedly in their responses on Kula Community Association (KCA) surveys; KCA position statements; testimony to the Board of Water Supply, the County Council, and other groups; and KCA budget requests to the Administration and County Council. The following suggestions for possible amendments to the Charter or revisions to other policies and procedures are based on the KCA's previously stated positions as well as individual members' comments.

Planning

The Board of Directors of the Kula Community Association requests that you consider the following recommendations since it is a most appropriate time to reassess and restructure the planning process and policies. (8-8.3, 8-8.4, 8-8.5, 8-8.6)

Public Notification and Information: Require all of the County's "Public Notices" to designate both the tax map key and the street address. Notices should include a clear explanation of the proposed action. Maps in community plans should reflect each parcel's land use designations and also its present zoning.

- ***Planning Cycle:*** Create a cycle for the planning process. For example, have the County General Plan approved every ten years; then have each of the nine community plans reviewed and adopted, one year at a time. Perhaps allow two years for the more complicated Kahului-Wailuku region and one year for both the less involved Lanai and Kahoolawe plans. If the budget can have a deadline, plans can have a deadline. Place a deadline of October 1 of each year for the County Council to adopt the plans.
- ***Citizen Advisory Committees (CAC's):*** Revert to the pre-1994 planning process to allow the general public in the form of CAC's to initiate the planning discussions. Require the Planning Department and Planning Commissions to provide clear rationales for changing the recommendations of the CAC's. Establish on-going CAC's in each planning region to provide advice, continuity, institutional memory, and monitoring. Ask the CAC's to meet every three years to give the Council, the Planning Commission, and the County's Planning Department a report on how the Community Plan is being implemented or violated.
- ***Community Associations:*** Establish community boundaries for all communities and encourage associations to be established in each. Consider providing basic support for these associations, such as access to county meeting rooms and facilities; a web-site; technical support; community maps; and demographic data. The associations should have standing to make land-use and planning recommendations, perhaps every two or three years. Now only land owners and developers are able to initiate changes.
- ***Coordination and Concurrency:*** Require the Planning Director to prepare an annual report to the County Council and Mayor that outlines land-use and infrastructure problems and proposed solutions. Integrate the planning process and documents (General Plan and Community Plans) into the decision making of both the Board and Department of Water Supply. The report also should include recommendations for actions that will prevent problems from occurring. Infrastructure must be adequate prior to approval, construction, and occupancy. The relevant departments (Planning, Water, and others) must require a determination and certification of the relevant infrastructure prior to the granting of the necessary approvals. Create a mechanism for the County and State to better cooperate on the full range of their shared responsibilities, such as roads, parks, water, and land use. Integrate the State agencies into the County's planning process.

- **Compliance and Enforcement:** The County Charter and County General Plan should include specific language on how the plan should be implemented. This should include specifying the responsible individuals and departments who will monitor and enforce plan compliance and initiate required implementing actions. This is essential for accountability. Enforcement is often minimal and application of policies and objectives of the plans by various County entities involved in land use decisions is inconsistent. There should be a dedicated specialist in the Planning Department assigned to monitor adherence to and compliance with all the plans, and to advise the planners and Planning Commission about growth issues and impacts subsequent to a plan's adoption. There should also be an elected prosecutor who has the responsibility of enforcing compliance of the County's plans and ordinances. The prosecutor should have the appropriate staff to investigate, the expertise to make necessary recommendations, and the prosecutorial power to require compliance. Establish a legal mechanism for building moratoriums, and for down-zoning to less intensive land-use, so that excessive stress on infrastructure will not occur. The law which requires consistency of ordinances and land use with the Community plans (section 2.80 A.010), must be better defined.

Water

Kula residents' concerns about water have been voiced frequently in various forums and the KCA has adopted policy and position statements on the major issues. These include:

- **Supply:** A consistent supply of water for agricultural and domestic use is essential to meet the health, safety, and economic needs of Kula residents.
- **Priorities:** The priorities established in the "Makawao - Pukalani - Kula Community Plan", that agriculture and Hawaiian Home Lands shall be given priority for water, must be honored.
- **Meter Issuance:** New meters shall be issued fairly, in accordance with the priorities established in the "Upcountry Plan", and only if there is adequate supply to meet projected needs for priority users and current residents.
- **Source Adequacy and Sustainability:** Continuing analyses must be done to determine current and projected yields of aquifers and other sources and their sustainable use.

During the Charter review process, it has been suggested that a change in the governance structure of the Board and Department of Water Supply (B/DWS) would help resolve these issues. The KCA has not taken a position on the autonomy of the B/DWS. Our focus is on ensuring citizen participation in all phases of decision making and compliance with the "Upcountry Plan" priorities. The restructured planning process outlined above - with such requirements as infrastructure concurrency and coordination between the Planning and Water Departments - would help address many current problems. (8-11.2, 8-11.4, 8-11.6, 8-8.3, 8-8.5)

Recreation/Environment

Kula residents' concerns about the environment and interest in recreation facilities have been expressed consistently and repeatedly over the past decade in their active support of park improvements, greenways and trails, controls on outdoor lighting, recycling, and other initiatives. Although the KCA has not taken a position on the issue of creating a Parks Board or Commission, if the Charter Commission determines that such a body would facilitate and ensure citizen participation in decision-making on park related issues, this would be congruent with the demonstrated interests and involvement of KCA members in this area. (8-6.1)

Health/Safety

Through their successful work for such projects as emergency call boxes, consistent street addressing, a sidewalk in Waiakoa, and additional hours of ambulance service for Kula and other underserved localities, Kula residents and the KCA have demonstrated their concerns about health and safety related issues. The KCA has not taken a position on the role of the Public Safety Commission. If, however, the Charter Review Commission determines that the existing Public Safety Commission shall become the Fire Safety Commission as has been proposed during the Charter review process, then consideration must be given to establishment of Civil Defense and Public Safety Commission under the Civil Defense Agency. (8-5.1)

Mahalo

Thank you for your service on the Charter Review Commission and your dedication to the task of recommending amendments to the Charter that will address the citizens' goals for the county. Your work will protect and enhance everything that we all value about Maui and give substance to our visions for its future.

FACTSHEET
ELECTION REGISTRATION AND TURNOUT STATISTICS

General Notes:

Source: Results of Votes Cast, 1959-present.

Overseas ballot counts are included in the City & County of Honolulu totals.

Limited quantities of Results of Votes Cast are available from the Office of Elections. Prices vary depending on the year and election. The average cost per publication is \$15.00.

Additional election related statistics may be found in the State of Hawaii Data Book published by the Department of Business Economic Development and Tourism.

This information is available in alternate formats. If you require special assistance (i.e. large print, taped materials, etc.) call the Office of Elections at 453-VOTE(8683).

Primary Elections 1959-1998

| Year | County of Hawaii | | | County of Maui | | | County of Kauai | | | City & County of Honolulu | | | Statewide | |
|------|------------------|------------------|-------|----------------|------------------|-------|-----------------|------------------|-------|---------------------------|------------------|-------|----------------|------------------|
| | Reg. Voters | Voter Turnout | % | Reg. Voters | Voter Turnout | % | Reg. Voters | Voter Turnout | % | Reg. Voters | Voter Turnout | % | Reg. Voters | Voter Turnout |
| 1959 | 24,284 | 21,527 | 88.6% | 16,115 | 14,181 | 88.0% | 10,638 | 9,096 | 85.5% | 123,298 | 102,274 | 82.9% | 174,335 | 147,078 |
| 1960 | 25,298 | 20,749 | 82.0% | 16,669 | 14,650 | 87.9% | 10,918 | 9,501 | 87.0% | 137,619 | 94,149 | 68.4% | 190,504 | 139,049 |
| 1962 | 26,542 | 23,548 | 88.7% | 17,780 | 15,360 | 86.4% | 11,517 | 10,172 | 88.3% | 157,022 | 123,321 | 78.5% | 212,861 | 172,401 |
| 1964 | 27,330 | 21,465 | 78.5% | 18,199 | 12,996 | 71.4% | 11,844 | 9,917 | 83.7% | 170,857 | 111,946 | 65.5% | 228,230 | 156,324 |
| 1966 | 27,417 | 22,674 | 82.7% | 18,320 | 14,112 | 77.0% | 12,085 | 1,063 | 8.8% | 187,485 | 129,677 | 69.2% | 245,307 | 167,526 |
| 1968 | 28,529 | 20,444 | 71.7% | 19,249 | 10,664 | 55.4% | 12,796 | 10,469 | 81.8% | 204,679 | 124,694 | 60.9% | 265,253 | 166,271 |
| 1970 | 29,399 | 22,197 | 75.5% | 20,706 | 16,749 | 80.9% | 12,986 | 10,898 | 83.9% | 219,379 | 152,557 | 69.5% | 282,470 | 202,401 |
| 1972 | 33,948 | 23,374 | 68.9% | 24,032 | 15,906 | 66.2% | 15,174 | 12,145 | 80.0% | 253,752 | 151,735 | 59.8% | 326,906 | 203,160 |
| 1974 | 35,727 | 25,874 | 72.4% | 25,269 | 18,634 | 73.7% | 16,434 | 12,745 | 77.6% | 256,097 | 178,729 | 69.8% | 333,527 | 235,982 |
| 1976 | 38,625 | 28,782 | 74.5% | 28,793 | 19,653 | 68.3% | 17,721 | 13,755 | 77.6% | 268,110 | 189,267 | 70.6% | 353,249 | 251,457 |
| 1978 | 41,149 | 30,875 | 75.0% | 31,552 | 23,409 | 74.2% | 19,391 | 15,366 | 79.2% | 295,581 | 219,379 | 74.2% | 387,673 | 289,029 |
| 1980 | 43,843 | 29,658 | 67.6% | 35,700 | 20,346 | 57.0% | 21,302 | 17,754 | 83.3% | 284,013 | 196,283 | 69.1% | 384,858 | 264,041 |
| 1982 | 44,622 | 31,993 | 71.7% | 34,267 | 24,518 | 71.6% | 22,165 | 18,273 | 82.4% | 284,253 | 197,904 | 69.6% | 385,307 | 272,688 |
| 1984 | 49,077 | 34,545 | 70.4% | 34,880 | 15,905 | 45.6% | 22,700 | 18,232 | 80.3% | 292,201 | 153,275 | 52.5% | 398,858 | 221,957 |
| 1986 | 48,166 | 31,636 | 65.7% | 35,454 | 24,221 | 68.3% | 21,924 | 16,855 | 76.9% | 292,653 | 208,640 | 71.3% | 398,197 | 281,352 |
| 1988 | 49,510 | 32,921 | 66.5% | 37,196 | 20,994 | 56.4% | 24,595 | 20,400 | 82.9% | 308,140 | 201,358 | 65.3% | 419,441 | 275,673 |
| 1990 | 53,604 | 39,347 | 73.4% | 41,292 | 27,524 | 66.7% | 26,595 | 20,901 | 78.6% | 314,832 | 188,640 | 59.9% | 436,323 | 276,412 |
| 1992 | 58,331 | 41,296 | 70.8% | 43,464 | 24,251 | 55.8% | 26,389 | 13,983 | 53.0% | 304,539 | 172,039 | 56.5% | 432,723 | 251,569 |
| 1994 | 61,224 | 36,377 | 59.4% | 46,111 | 27,560 | 59.8% | 26,231 | 20,357 | 77.6% | 335,173 | 225,406 | 67.3% | 468,739 | 309,700 |
| 1996 | 69,530 | 38,648 | 55.6% | 55,819 | 20,461 | 36.7% | 29,256 | 17,238 | 58.9% | 377,287 | 199,201 | 52.8% | 531,892 | 275,548 |
| 1998 | 75,205 | 38,988 | 51.8% | 64,333 | 30,495 | 47.4% | 31,949 | 20,003 | 62.6% | 411,071 | 201,583 | 49.0% | 582,558 | 291,069 |

General Elections 1959-1998

| Year | County of Hawaii | | | County of Maui | | | County of Kauai | | | City & County of Honolulu | | | Statewide | | |
|------|------------------|---------------|-------|----------------|---------------|-------|-----------------|---------------|-------|---------------------------|---------------|-------|-------------|---------------|-------|
| | Reg. Voters | Voter Turnout | % | Reg. Voters | Voter Turnout | % | Reg. Voters | Voter Turnout | % | Reg. Voters | Voter Turnout | % | Reg. Voters | Voter Turnout | % |
| 1959 | 24,927 | 23,495 | 94.3% | 16,595 | 15,652 | 94.3% | 10,885 | 10,237 | 94.0% | 130,711 | 121,999 | 93.3% | 183,118 | 171,383 | 93.6% |
| 1960 | 26,059 | 24,322 | 93.3% | 17,539 | 16,462 | 93.9% | 11,338 | 10,610 | 93.6% | 147,123 | 136,812 | 93.0% | 202,059 | 188,206 | 93.1% |
| 1962 | 27,194 | 25,154 | 92.5% | 18,325 | 16,658 | 90.9% | 11,807 | 10,901 | 92.3% | 164,324 | 147,728 | 89.9% | 221,650 | 200,441 | 90.4% |
| 1964 | 28,130 | 26,257 | 93.3% | 18,786 | 17,297 | 92.1% | 12,266 | 11,525 | 94.0% | 180,179 | 161,913 | 89.9% | 239,361 | 216,992 | 90.7% |
| 1966 | 28,596 | 26,221 | 91.7% | 19,029 | 17,378 | 91.3% | 12,510 | 11,587 | 92.6% | 193,107 | 166,187 | 86.1% | 253,242 | 221,373 | 87.4% |
| 1968 | 29,370 | 26,953 | 91.8% | 19,900 | 17,704 | 89.0% | 13,076 | 11,942 | 91.3% | 211,853 | 183,166 | 86.5% | 274,199 | 239,765 | 87.4% |
| 1970 | 30,350 | 27,256 | 89.8% | 21,169 | 18,493 | 87.4% | 13,529 | 12,179 | 90.0% | 226,633 | 189,812 | 83.8% | 291,681 | 247,740 | 84.9% |
| 1972 | 34,958 | 30,802 | 88.1% | 24,581 | 20,981 | 85.4% | 15,701 | 14,216 | 90.5% | 262,597 | 220,594 | 84.0% | 337,837 | 286,593 | 84.8% |
| 1974 | 36,865 | 31,214 | 84.7% | 25,907 | 21,100 | 81.4% | 16,783 | 14,328 | 85.4% | 263,849 | 205,903 | 78.0% | 343,404 | 272,545 | 79.4% |
| 1976 | 39,760 | 34,532 | 86.9% | 29,743 | 24,601 | 82.7% | 18,063 | 15,804 | 87.5% | 275,479 | 234,152 | 85.0% | 363,045 | 309,089 | 85.1% |
| 1978 | 41,837 | 32,852 | 78.5% | 32,002 | 24,184 | 75.6% | 19,665 | 16,070 | 81.7% | 301,758 | 219,584 | 72.8% | 395,262 | 292,690 | 74.1% |
| 1980 | 46,451 | 38,394 | 82.7% | 37,079 | 27,354 | 73.8% | 21,732 | 17,868 | 82.2% | 297,533 | 234,469 | 78.8% | 402,795 | 318,085 | 79.0% |
| 1982 | 46,315 | 37,938 | 81.9% | 35,956 | 29,329 | 81.6% | 22,563 | 18,222 | 80.8% | 300,171 | 239,970 | 79.9% | 405,005 | 325,459 | 80.4% |
| 1984 | 50,563 | 41,396 | 81.9% | 36,660 | 29,651 | 80.9% | 23,258 | 19,395 | 83.4% | 308,423 | 258,811 | 83.9% | 418,904 | 349,253 | 83.4% |
| 1986 | 50,107 | 40,368 | 80.6% | 38,055 | 31,101 | 81.7% | 22,824 | 19,448 | 85.2% | 308,808 | 253,470 | 82.1% | 419,794 | 344,387 | 82.0% |
| 1988 | 52,221 | 44,195 | 84.6% | 40,436 | 32,534 | 80.5% | 25,741 | 21,615 | 84.0% | 325,614 | 270,223 | 83.0% | 444,012 | 368,567 | 83.0% |
| 1990 | 55,940 | 44,799 | 80.1% | 43,835 | 35,106 | 80.1% | 27,162 | 21,626 | 79.6% | 326,452 | 252,621 | 77.4% | 453,389 | 354,152 | 78.1% |
| 1992 | 62,023 | 52,529 | 84.7% | 47,238 | 38,408 | 81.3% | 26,771 | 19,864 | 74.2% | 328,463 | 272,081 | 82.8% | 464,495 | 382,882 | 82.4% |
| 1994 | 63,677 | 48,907 | 76.8% | 48,036 | 36,589 | 76.2% | 27,719 | 22,394 | 80.8% | 349,457 | 269,121 | 77.0% | 488,889 | 377,011 | 77.1% |
| 1996 | 71,270 | 50,464 | 70.8% | 57,091 | 36,169 | 63.4% | 30,009 | 21,816 | 72.7% | 386,546 | 261,781 | 67.7% | 544,916 | 370,230 | 67.9% |
| 1998 | 77,726 | 53,658 | 69.0% | 66,740 | 43,382 | 65.0% | 33,063 | 24,366 | 73.7% | 423,875 | 291,114 | 66.9% | 601,404 | 412,520 | 68.6% |

Office of Hawaiian Affairs (OHA) 1980-1998

| Year | County of Hawaii | | | County of Maui | | | County of Kauai | | | City & County of Honolulu | | | Statewide | | |
|------|------------------|-----------------|-------------|----------------|-----------------|-------------|-----------------|-----------------|-------------|---------------------------|-------------|-----------------|-------------|-----------------|-------------|
| | Reg. Voters | Voter Turnout % | Reg. Voters | Reg. Voters | Voter Turnout % | Reg. Voters | Reg. Voters | Voter Turnout % | Reg. Voters | Voter Turnout % | Reg. Voters | Voter Turnout % | Reg. Voters | Voter Turnout % | Reg. Voters |
| 1980 | 7,446 | 6.156 | 82.7% | 6,336 | 4,760 | 75.1% | 2,955 | 2,433 | 82.3% | 37,346 | 29,499 | 78.9% | 54,083 | 42,848 | 79.2% |
| 1982 | 8,457 | 5,970 | 70.6% | 7,353 | 4,960 | 67.5% | 3,436 | 2,464 | 71.7% | 44,704 | 28,996 | 64.9% | 63,950 | 42,390 | 66.3% |
| 1984 | 8,434 | 6,483 | 76.9% | 6,237 | 4,615 | 73.9% | 3,379 | 2,633 | 77.9% | 41,154 | 29,333 | 71.3% | 59,204 | 43,064 | 72.7% |
| 1986 | 8,526 | 6,794 | 79.7% | 6,350 | 5,188 | 81.7% | 3,427 | 2,806 | 81.9% | 41,592 | 32,632 | 78.5% | 59,895 | 47,420 | 79.2% |
| 1988 | 9,059 | 7,151 | 78.9% | 6,483 | 4,850 | 74.8% | 3,854 | 3,060 | 79.3% | 44,056 | 33,177 | 75.3% | 63,452 | 48,238 | 76.0% |
| 1990 | 9,922 | 7,566 | 76.3% | 7,160 | 5,577 | 77.9% | 4,112 | 3,068 | 74.6% | 44,579 | 33,020 | 74.1% | 65,773 | 49,231 | 74.8% |
| 1992 | 11,142 | 8,726 | 78.3% | 7,344 | 5,521 | 75.2% | 4,005 | 2,545 | 63.5% | 45,631 | 34,237 | 75.0% | 68,122 | 51,029 | 74.9% |
| 1994 | 11,799 | 8,738 | 74.1% | 7,852 | 5,942 | 75.7% | 4,350 | 3,376 | 77.6% | 51,765 | 37,368 | 72.2% | 75,766 | 55,424 | 73.2% |
| 1996 | 13,928 | 8,944 | 64.2% | 9,668 | 5,632 | 58.3% | 4,737 | 3,226 | 68.1% | 58,965 | 34,300 | 58.2% | 87,298 | 52,102 | 59.7% |
| 1998 | 15,674 | 10,084 | 64.3% | 12,428 | 7,628 | 61.4% | 5,391 | 3,861 | 71.6% | 66,670 | 42,227 | 63.3% | 100,163 | 64,806 | 64.7% |

This Factsheet is intended for informational purposes only and should not be used as an authority on the Hawaii election law and deadlines. Requirements and/or deadlines may change pending changes in legislation. Consult the Hawaii Revised Statutes and other sources for more detailed and accurate requirements.

Office of Elections
802 Lehua Avenue
Pearl City, Hawaii 96782
Phone: 808-453-VOTE(8683)
Neighbor Island Toll Free: 1-800-442-VOTE(8683)

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**Jim Smith
P.O. Box 790403
Paia, Maui, Hawaii 97779**

Ms. Terri VencI, Chairperson and
Members of Maui County Charter Commission
County of Maui
Wailuku, Maui, Hawaii 96793

Re: Proposed amendments to Article 3, County Council

Dear Ms. VencI and Members,


The erosion of trust in our political system can be traced to acts that render meaningless rules governing the conduct of our elected officials. Without following these rules application of power appears arbitrary, suspect. When the charter states that fees shall be made in the budget and the administration sets fees in leasing agreements different fees for different individuals, confidence and trust in our political process is lost. Fees for wastewater were set in licencing agreements by the administration in the mid-1990's.

I propose this amendment to address this problem:

that this Commission recommend that Section 3-6 **Powers of Council**

7. to determine by ordinance whether an agreement between executive branch and a private party or a administrative directive by the Mayor affecting public policy in a substantive way is for a public purpose.

Sincerely,


Jim Smith