

MAUI COUNTY CHARTER COMMISSION PUBLIC MEETING
Wailuku Community Center, Maui
Wednesday, March 13, 2002
6:00 p.m.

PRESENT

Terryl Vencl, Chair
R. Sean McLaughlin, Vice-Chair
Vince Bagoyo
Ray DeMello
Bill Fuhrmann
Gwen Hiraga
Stephen Holaday
Karolyn Mossman
Erlinda Rosario
Donn Takahashi

STAFF

Brian Moto, First Deputy Corporation Counsel
Ke'ala Pasco, Charter Commission Assistant
Jon Van Dyke, Charter Commission Analyst

EXCUSED

Stephen Petro

CALL TO ORDER

The meeting was called to order at 6:03 p.m. Present: Chair Vencl and Vice-Chair McLaughlin; Commissioners Bagoyo, DeMello, Fuhrmann, Hiraga, Holaday, Mossman, Rosario, and Takahashi; First Deputy Corporation Counsel Brian Moto, Assistant Ke'ala Pasco, and Analyst Jon Van Dyke. Excused: Commissioner Petro.

Chair Vencl asked for a motion to accept the minutes from March 6, 2002. One correction needed to be made to a testifier's name: it is Lisa (not Linda) Hamilton. Motion was made (McLaughlin), seconded (Bagoyo), and carried unanimously to accept the minutes as amended.

Motion was made (Mossman), seconded (DeMello), and unanimously approved to accept into record communications from Jim Smith, Rick Bissen, Mike Scott, several contractors, the West Maui Taxpayers Association, and Don Medeiros. Some written testimony came in too late today to be prepared for this evening so they'll be entered into the record next week.

Chair Vencl greeted those present, saying that the Commission did its first round of public hearings last summer. Since then, the Commission went through deliberations and came up with 17 proposals, which are on display; handouts are available at the sign up table. The Commission is now in the process of getting feedback on these proposals.

She outlined the process that will begin with final deliberations in April and end with the final report being submitted to the County Clerk's office in November (to be prepared for the ballot). We plan to begin an educational campaign by the first week of October, and have several ideas about how to do that. If there are any requests for commissioners to speak to various groups, please let us know.

Chair Vencl then explained the procedure for giving testimony (the three minutes plus one rule). She called up the first testifier to begin public testimony.

TESTIMONY

MR. DON MEDEIROS

Mr. Medeiros is the new County Transportation Coordinator. This is a civil service position that reports to the Managing Director. He does not support Proposal 7; he believes Transportation should remain in the Long Range Planning branch of the Planning Department. The focus should be on planning and coordination to develop and promote policies to implement transportation solutions. He discussed several situations to exemplify the benefits gained by keeping the County Transportation initiative within the Department of Management. "If it ain't broke, don't fix it."

Mr. Medeiros also discussed how a GIS program could take all census and housing data and put it together, then project that data into the future to see where growth would be. That way we can see where we want it to go on this island and how to proceed. Current growth indicates 800,000 people on this island, so we'd be looking at large mass transit issues.

Commissioner Takahashi reminded Mr. Medeiros that the Charter works in ten year increments, and asked which entity within the County would be best able to deal with transportation issues (he has a tough time seeing it long range in the Planning Department). Mr. Medeiros replied that he doesn't know that in ten years we'd need such a transit system, but that they'd have to deal with it separately, not under Public Works.

Commissioner Mossman said the current Charter doesn't spell out long range planning, that we're filling in what we feel is missing and what we've overlooked. She still wants it someplace in the Charter. Mr. Medeiros reiterated that he sees it under the Managing Director at this point.

Commissioner Bagoyo asked what department is preferred: Management, Planning, or Public Works. Mr. Medeiros answered that he's in Planning, but coordinates with Public Works. It's a management position, so he reports directly to the Managing Director and the Mayor. Commissioner Fuhrmann asked Mr. Medeiros to submit his responsibilities in writing.

MR. MARTIN LUNA

Mr. Luna said he's testifying on three matters. He does not support Proposal 14, reducing the number of signatures from 20% to 10%. That's a very small number of people required in order to have something put on the agenda. It also adds to the cost of government.

Mr. Luna's three minutes were up. He requested to come back to discuss his other two concerns.

MR. CHARLIE JENCKS

Mr. Jencks has testified before, and his positions haven't changed. He is testifying on behalf of the Maui Contractors Association, reading for a group of people. They are opposed to all proposals except 2, 16, and 17A. He will send in his written testimony and that of the individuals he represents.

Commissioner Mossman asked if there was a reason for their "broad pattern." Mr. Jencks replied that the proposals they don't support take power from the Mayor; they oppose putting them on the ballot. Commissioner Takahashi pointed out that some proposals aren't merely yes or no topics, Mr. Jencks said they say no to all.

In response to a question about Proposal 10 from Commissioner DeMello, Mr. Jencks said that permanent CACs add to the timing of the process. It doesn't seem to be a good way to do business, especially now that we have a Planning Department that understands the process.

MR. JONATHAN STARR

Mr. Starr began with an overall comment that we should be flexible, allow citizens options, and empower them by giving them choices. The Board of Water Supply has many problems that are very difficult to fix. Making it fully autonomous would make the situation even worse (he supports 17B). Otherwise, there's too much power without any accountability. Even with smart people on the board and their hard work, it's impossible to do it all; there just aren't enough hours in the day when you have Chairs and people on the Board changing. Thus, the Board would function much better under the administration.

He cautioned that the Director is trying to save his job, so his testimony should be taken with a grain of salt. Mr. Starr really feels that in order to protect the public from abuse and ensure consistency, it should be put under the administration. They haven't been able to cure the situation Upcountry, and that's coming up in the Central and Kihei areas.

MS. HELEN NIELSEN

Ms. Nielson testified as an individual. She addressed three primary areas:

- 1) Proposal 13 (committing to a plan of open space acquisition) is an important part of our future. The benefit will outweigh any cost concerns that may come up, so please make sure it's on the ballot.
- 2) She serves on Salary Commission and thinks staggering terms will provide more continuity. State legislation took away a lot of power, so most of the power is in the Mayor's hands.
- 3) She supports 17B, putting the Department of Water Supply more under the administration.

MR. DAVID MACKWELL

Mr. Mackwell testified on behalf of the Maui Coastal Land Trust. Regarding Proposal 13, he addressed concerns the community may have about it becoming a tax issue. He stated that we already spend more than 1%; that's merely a minimum. This measure only sets aside part of that amount; it doesn't mean we're going to spend more money. However, the advantage to setting money aside in a revolving account is that we'll be ready should an opportunity present itself. Another tax issue is the enormous amount planned just in Kihei for residential. He doesn't think this issue should cause an increase to taxpayers because Wailea 670 will add to that base.

Teresa McHugh of the Trust for Public Land will testify as well. He concluded by saying that we should let the voters decide.

In response to Commissioner Hiraga's question, Mr. Mackwell said the 1% would come from the general fund. Commissioner Mossman pointed out that our proposal doesn't put an amount on there, and asked if that was satisfactory. He replied that it was his understanding that funds can be held over. If we have to legislate the process, it's never going to be used short term. Don't miss the leveraging opportunity. It's also an expression of community will.

Commissioner Holaday asked who determines what property to buy. Mr. Mackwell said it came

up with the formula: the final decision rests with a community panel; veto power rests with the administration. He stressed the importance of having a citizens' advisory panel.

Commissioner Fuhrmann asked how land would be used. Mr. Mackwell replied that it could be for public use, preservation, a sanctuary, etc. It's up to the County. The money could be leveraged in the Public Trust. If the Trust fails, the money would revert to the public. Whoever takes title to the land would manage it (stewardship is a great issue).

Commissioner Takahashi asked Mr. Mackwell if it'd be a straight 1%, or a minimum of 1% set aside each year. Mr. Mackwell said that it'd be a special fund; the county's authorized to do whatever they want. He'd like it to be a minimum of 1% (but would really prefer 5%).

Commissioner Takahashi then asked about Proposal 9 with regard to the Department of Planning. He wanted to know if Mr. Mackwell could see open space designation or management under long range planning (as a logical place). Mr. Mackwell declined to answer, saying that he hasn't reviewed that and there are many possibilities. Commissioner Takahashi asked him to form an opinion on who's going to manage that. The discussion that followed involved more clarification on usage and stewardship of land and funding. Chair Vencil then called up the next testifier.

MR. DAVID CRADDICK

Mr. Craddick wondered if water could be delivered Upcountry if the Kula rule wasn't in place. He doesn't believe the water situation in 1977 was short. Pukalani and Ha'iku have grown since then. Once the Board was in place, the development fee could be used. He mentioned the Kahakapau reservoir; the Board is doing another well, which is currently up for bid. He believes that issue will be behind us soon. The reason Upcountry was allowed to stagnate without water is probably more of an issue than the Central area. Mr. Craddick said that if Water goes under the administration, he'd probably submit his resignation.

Commissioner Takahashi asked if there was an existing long range plan for water that ties into proposed, anticipated development. Mr. Craddick replied that Upcountry usage is growing by 150,000 gallons per year. Getting that water online is not a problem for Upcountry if it's done on a consistent basis. If you incrementally add on to the system then it's not difficult to stop. He said people try to use Water to fix the community's plan. There is a water use and development plan that covers until the next general plan is done, which has already convened. He believes it's in ten year increments. The Water Department also has individual, twenty year plans for individual systems that sometimes cross different community plans.

Commissioner DeMello asked how many commissioners have water knowledge or background (two), and how people get qualified. Mr. Craddick said he gave the Commission the Cincinnati example, and that requiring two of the seven to have water experience is a step in the right direction.

Vice-Chair McLaughlin asked about the Board of Water Supply's proper role in the General Plan regarding the allocation of water resources. Mr. Craddick said Moloka'i is included in the plan (protecting sources of water). The next well area doesn't have to be included in the General Plan process, especially in an area that has absolutely no water (he doesn't consider that an allocation of water). He asked who'd pay for the depreciation on stuff not being used, and said that to try to allocate water gallon by gallon is not a wise use of financial services.

The discussion that ensued dealt with Mr. Craddick's reasons for wanting Water to be more

autonomous. Commissioner Bagoyo asked if Mr. Craddick was involved in the community plan process; he was, but didn't believe policy-type questions were asked.

Commissioner Bagoyo mentioned that Hana couldn't transport water from East Maui to West or Central Maui. Mr. Craddick added that Upcountry said whatever comes in, can't go out. The community plan didn't even make sense; eventually, both systems will be connected so it'd be a non-issue.

NIKHILANANDA

Nikhilananda said he could spend half an hour disputing Mr. Craddick's comments, but would continue his testimony instead. He reiterated what he'd said previously (at other Charter Commission meetings). He doesn't support Proposals 2, 3, 4, and 7. The other proposals are very good; let them go on the ballot. He then presented the following:

- 1) Create Proposal 18, relating to the first proposal that says let the people decide.
- 2) Delete Proposal 7.
- 3) In Proposal 8, create a Department of Transportation and a Department of Environmental Protection.
- 4) He's against Proposal 14 (people should decide).

MS. TERESA MCHUGH

Representing the Trust for Public Land (funding for land protection), Ms. McHugh is working with MCLT, exploring the idea of putting funding in place. She's here to provide additional information and to answer questions.

For several years, communities have been making commitments to protecting open space:

1998	126 measures passed; 84% of which were put to voters; brought in \$8.3 billion
1999	92 measures; 90%; \$1.8 billion
2000	174 measures; 83%; \$7.5 billion
2001	137 measures; 70%; \$1.7 billion

All measures recognized that open space is important to communities and their economies, health, and well being, so a commitment was made to providing this long term. This allows voters to decide and prepare for commitment. A proposal put forward at this point is positive, but it's merely a gesture; put a fund in place to show commitment. If you put a percentage of the property tax on the budget, then there's a real commitment.

Commissioner Bagoyo asked if this would mean an additional task. Ms. McHugh doesn't think 1% of the budget would require an additional tax; this can be addressed later. With growth in Maui's property tax, there wouldn't be a requirement for an additional tax in order to set aside funding. If there's a sense that a tax might be required, it may be wise to put it to the public: "Do you support setting aside ____ portion of the property tax, given that the County may need to raise it in certain years?" It's important to allow voters to make an informed decision.

Ms. McHugh answered Commissioner DeMello's question about who decides which properties to acquire by saying it varies by area. It's nothing new for the County to buy land; it's already happening. A citizens' advisory council would then review and prioritize (they'd have basic rules). Maui County had this a few years ago. She suggested bringing this committee into play and gave examples.

Commissioner DeMello said that the County has acquired a lot of land; it's going to get tougher to get land by trade. She responded that there are many properties here that the County would like to purchase for protection. These issues won't stop coming up; this allows for planning. If we don't have funds in place, we may lose those opportunities. Having funds available allows you to move quickly and use funds as leverage.

Vice-Chair McLaughlin expressed his belief that while leveraging enables them to attract federal funding, it complicates the equation because the County would give up control over the whole scope of it. Ms. McHugh replied that there is some funding within the County; she doesn't want to give the impression that the only reason to have a fund is for leveraging. The County can match funds in some instances, but it's sometimes more effective to work with another entity like MCLT. They're providing a service by doing all the work and saving County personnel from having to be involved. It may look more complicated, but the County doesn't have to get as involved beyond knowing where their money is and what it's doing.

Chair Vencel asked Mr. Van Dyke to prepare models regarding the issue of who'd make decisions, if it's done by the Charter or an ordinance, etc. Ms. McHugh shared that the Trust for Public Land's website is www.tpl.org, and offered their assistance.

MS. LUCIENNE DE NAIE

Ms. de Naie is vice-chair of the Maui Surfrider Foundation. She shared the following:

- 1) They support Proposals 3, 5, and 6.
- 2) Regarding Proposal 7 (Public Works), it seems that Maui needs separate departments.
- 3) Proposal 9 seems to be needed for the Department of Planning, but she's not sure she understands it or if this is the most effective way.
- 3) They support Proposal 13. We need ways to protect our land resource. Come up with funding or this proposal is an empty shell.
- 4) They support Proposal 14.
- 5) The Foundation doesn't have an official position on Proposal 17; the public should vote.

Commissioner Bagoyo asked for term limit suggestions. Ms. de Naie said that while it's a relatively new thing, it doesn't seem hasty to her. Ten years is probably a lot to ask, but 5 two year terms doesn't seem unfair. There are benefits on both sides, but term limits seem to be a good thing since Maui's a small island.

Vice-Chair McLaughlin asked if she was aware of any successful initiatives in Maui County. Ms. de Naie said she was unaware if any had passed. She said it's very daunting and difficult. She thinks it'd open some things up if there were other ways people could use their influence. When asked if there should be a difference in the requirements for an initiative vs. a recall, she said that recall is a serious matter, but none of these things are a shoo-in. They shouldn't be frivolous, but there should be that opportunity for democracy.

Commissioner Mossman pointed out that there are two parts of that proposal and asked for Ms. de Naie's opinion on the percentage of voters needed. She responded that people are left on the polls for years, so the amount of registered voters isn't always clear. She thinks 10% may be too easy and should be upped a bit.

Chair Vencel questioned her about Proposal 17. Ms. de Naie said it's very hard to decide. She supports more accountability, but has been told that no one wants to work for Water because

the situation is messed up. The way things are now, it's very difficult to do long range planning. It would be good to have an educational campaign and then let the public decide.

BREAK

The meeting was called back to order at 8:00 p.m. We continued accepting testimony.

Ms. KELLY ARBOR

Ms. Arbor testified as an individual. She commended the Commission, saying that they've listened well to what people have said. Regarding Proposal 10, she thinks the CDBs should go with community plan areas rather than districts. She also said not to eliminate the Cultural Resource Commission.

Ms. Arbor brought up an issue that isn't here but should be: the existing Charter points out that in some instances, what's supposed to be done isn't getting done. Regarding the General Plan, we haven't seen too much attention paid to its sequence. We need a remedy for not abiding by the Charter.

For Proposal 7, she suggested an addition or a switch: Public Works should include environmental protection, solid waste, and sewage. Additionally, the subdivision process currently in Public Works should be under the Planning Department; there's been a basic lack of attention to planning principles in many subdivision approvals. We need to pay greater attention to making sure it conforms to the General Plan (sometimes approval is given even when it doesn't conform).

Having the subdivision process moved to Planning would create more of a dovetailing effect. The Public Works director has sole authority, which she thinks is incorrect. If a proposed subdivision is non-conforming, that should end the issue. While she understands that there are some very technical aspects, at least the director would be able to ensure that developments have connecting roads. These issues may come up and may be viewed in a different light; however, she thinks the director has too much authority.

MR. ARCHIE KALEPA

Mr. Kalepa was speaking on behalf of the Water Safety division of Maui County Parks and Recreation. He asked that the Commission consider amending Chapter Six of the Charter because currently there's no wording for lifeguarding services. Please add something like "Provide services and protection to the residents and visitors of Maui County."

Vice-Chair McLaughlin said we had questions early on relating to lifeguarding and other services. He asked for clarification regarding combining with the Fire Department (it was thought it wasn't a good idea). Mr. Kalepa answered by saying yes and no. They're at least starting to be recognized as part of Public Safety, and are working on establishing that right now with 911 dispatch (what services should be provided). It is his personal opinion that they should be recognized as part of the Public Safety Commission.

MR. MIKE NOBRIGA

Mr. Nobriga said he was awed by the Commission's dedication to the cause. He continued with his testimony. Regarding Proposal 17, he recommended that the Commission just do one. He supports 17A and would like to see it on the ballot. The Board of Water Supply is a utility; water is

one of our basic rights as a human being. The Department and Board would move a lot faster if they weren't encumbered so much by the current process. It goes from the County Council to the Mayor, to the Department, then to the Board ... so they haven't really done anything for the last twenty years. It just keeps going around, and we continually see the same situations that we used to have.

When Commissioner Takahashi pointed out that 17A specifies a make up of the Board that is different from what it is now, Mr. Nobriga said over the process of time, the Board would never be the same anyway. Six people retired in 1998; it takes three years to figure out what's going on. He said he shouldn't be arguing about what should be in the proposal; he's more "emotionally violent" about the BWS being more autonomous.

Commissioner Takahashi asked where responsibility would lie if Water were more autonomous (who would accept responsibility for right or wrong?). Mr. Nobriga said they'd still have to abide quasi-governmentally (sunshine laws, decision making process, public hearings, the whole process continually) before a final decision.

Vice-Chair McLaughlin asked what's wrong with having the Mayor being the final decision maker (it would fix the problem). Mr. Nobriga said they don't have the right to float their own bonds, which would accelerate the process of bringing water lines up to speed. Two bodies fight over us now, and it has a negative impact on what the Board can do. The proposal you've put up there is very provocative. He concluded by saying that if Water were under the administration, some people would like to be in an advisory capacity. Each commission has its own circumstances and involves the public.

MR. SEAN LESTER

Mr. Lester thanked the Commission for its time and effort. He said people are taking over again and we're becoming a citizen-based democracy. Please ensure giving citizens the tools needed to truly look at our destinies.

- 1) Yes to Proposal 6, clarify the duties of the Corporation Counsel. 8-2-2.2: vote to remove Corporation Counsel; give subpoena power.
- 2) Many of the Board of Water Supply's problems are due to its autonomous nature. Water issues get more involved as time goes on, so he supports 17B.
- 3) He also supports Proposal 13. He said we'll end up with people giving more in taxes to this special fund, and suggested adding a line for donations.
- 4) For Proposal 14, he supports 10% of actual voters. He suggests increasing the time limit to 120 days. In this instance, he also suggested making it against the law to get paid for your signature. Money can intervene inappropriately; what kind of law would it take and how enforceable would it be?
- 5) Mr. Lester doesn't support Proposals 1 (Council districts and at large voting should be left as they are); 2 (leave Council members' terms at two or even three years, and make them full time); and 3 (keep term limits).
- 6) He supports Proposal 15 (providing greater notice), and 10 (CDBs are so important).

Mr. Lester concluded by advising the Commission to look at other states. The next war will be over water, not land.

MR. MARTIN LUNA

Mr. Luna returned to complete his testimony:

- 1) He doesn't support Proposal 10; he's rejecting another layer of the approval process. Who'd staff the CDBs? 10-4 would prevent what happened to Mike Molina.
- 2) Regarding Proposal 14, 4,000 signatures is about right. One person out of 13 will be able to say whether something gets on the ballot or not; it's a very significant change.

More discussion followed regarding the percentage required, the cost of CDBs vs. the number of boards and commissions, and the Code of Ethics (the language in there will help all of us).

NIKHILANANDA

- 1) It's important that we're bringing the community into the process again. Pros and cons need to be more detailed (and less biased in some instances).
- 2) We need to educate the community (Akaku, brochures, etc.).
- 3) Regarding Transportation, we have democracy in action.
- 4) He doesn't think the percentage should be different (Proposal 14), but let the community decide.
- 5) There should be attendance requirements for those on boards and commissions so as not to hold up the process (2 or 3 meetings missed should mean automatic dismissal).
- 6) All documents should be free to the community.
- 7) For coastal management and access to beaches, NPOs maintain beach access.
- 8) County elections are held using state rules. If we don't have to follow solely the rules of Hawai'i, look at other states. Hawai'i is one of four states that doesn't allow write in votes (San Francisco just approved instant runoff voting).

More discussion followed regarding the intent of making CACs permanent (sometimes another layer of checking is beneficial); initiatives (none have gone through; Planning (each community is different but can be tied together; have a permanent body to look at all these issues); and instant runoff voting.

Nikhilananda asked the Commission to look at what happens if someone ignores the Charter. He'll come to another meeting with some responses from people in District 12, Area 3.

MR. DAVID CRADDICK

Mr. Craddick asked if he could say one more thing. He wanted to clarify that Water can issue their own bonds, but they just can't guarantee that they can pay for them.

CONCLUSION

Chair VencI thanked the commissioners and everyone else for coming. The meeting was adjourned at 8:48 p.m.

Ke`ala Pasco, Charter Commission Assistant

RECEIVED
Charter Commission
MAR 13 2002

F4058

March 8, 2002

Members of the Charter Commission

Re: Comments/Concerns Regarding Charter Amendments.

Dear Members of the Charter Commission:

I am ~~an~~ *(an)* *Mexxa Vicens* 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, ~~3~~, 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,

Phyllis K. Urrutia

F4058

March 8, 2002

Members of the Charter Commission

Re: Comments/Concerns Regarding Charter Amendments.

Dear Members of the Charter Commission:

I am JEFF FAULKNER 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, ~~3~~, 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,

Jeff Faulkner

F4058

**ARISUMI**
BROTHERS, INC.291 Dairy Road
Kahului, Maui, Hawaii 96732
Phone (808) 877-5014
FAX (808) 871-0885
ASO 638

March 13, 2002

Charter Commission
County of Maui
c/o Mayor Kimo Apana
Fax: 270-7870

Dear Members of the Charter Commission:

I am a resident of Maui County. I wanted to inform you as to my concerns and positions relative to the charter proposals presently being considered by the commission. I have reviewed the proposed charter amendments and have the following comments and concerns, which I hope you will consider in your deliberations.

I support Charter Amendments No. 2 and 16.

The reason I support these amendments is 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.

I oppose Charter Amendments No. 1,3,4,5,6,7,8,9,10,11,12,13,14 and 15.


The reason I oppose these proposed amendments are that they increase the size and cost of running the 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.

I am in favor of Charter Amendment No. 17, a completely autonomous Board of Water Supply.

I sincerely hope you will consider my thoughts on this very important matter. Thank you for taking time out to serve on the Charter Commission.

Very truly yours,

ARISUMI BROTHERS, INC.


Jerry Arisumi, President

MAR-13-02 WED 04:37 PM

AIRROCK PAVING BLASTING

FAX: 8088745696

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**GOODFELLOW BROS., INC. — GENERAL CONTRACTOR —**

P.O. BOX 220 ■ PHONE (808) 879-5205 ■ FAX (808) 879-3674 ■ KIHUI, MAUI, HI 96753-0220

RECEIVED
Charter Commission
MAR 14 2002

Dear Members of the Charter Commission:

I am Lucia Gouveia, a resident of Maui County. I am writing to inform you as to my concerns and positions relative to the charter proposals presently being considered by the commission. I have reviewed the proposed charter amendments and have the following comments and concerns, which I hope you will consider in your deliberations.

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

The reason for my support of these amendments is 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 hearings.

2. The Charter Amendments, which I oppose are Numbers 1, 3, 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 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.

3. Charter Amendment Number 17. I am in favor of a completely autonomous Board of Water Supply.

Commission members, I sincerely hope you will read this letter and consider my thoughts on this important matter. Thank you for taking the time out of your busy schedules to work for the good of Maui County.

Yours truly

MAR-13-02 WED 04:36 PM

BLIMROCK PAVING/BLASTING. FAX: (808) 874-5696

PAGE 1

BLASTING TECHNOLOGY, INC.

P.O. Box 1101, Kihei, Hawaii 96753
(808) 874-5554 Fax (808) 874-5696 Lic. #C14323A

Dear Members of the Charter Commission:

I am Mark Fritzen, a resident of Maui County. I am writing to inform you as to my concerns and positions relative to the charter proposals presently being considered by the commission. I have reviewed the proposed charter amendments and have the following comments and concerns, which I hope you will consider in your deliberations.

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

The reason for my support of these amendments is 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 hearings.

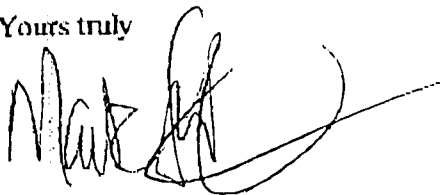
2. The Charter Amendments, which I oppose are Numbers 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15.

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 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.

3. Charter Amendment Number 17. I am in favor of a completely autonomous Board of Water Supply.

Commission members, I sincerely hope you will read this letter and consider my thoughts on this important matter. Thank you for taking the time out of your busy schedules to work for the good of Maui County.

Yours truly



Explosives Engineering & Consulting



A Hawaii Non-Profit Organization
319 Ana Street
Kahului, Hawaii 96732-1304
(808) 871-5733/Fax 871-5927

Dear Members of the Charter Commission:

I am Michael Singlehurst, a resident of Maui County. I am writing to inform you as to my concerns and positions relative to the charter proposals presently being considered by the commission. I have reviewed the proposed charter amendments and have the following comments and concerns, which I hope you will consider in your deliberations.

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

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.

2. The Charter Amendments, which I oppose are Numbers 1,3,4,5,6,7,8,9,10,11,12,13,14 and 15.

The reason 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.

3. The Charter Amendment 17, I am in favor of a completely autonomous Board of Water Supply.

Commission members, I sincerely hope you will read this letter and consider my thoughts on this important matter. Thank you for taking time out of your busy schedules to work for the good of Maui County.

Sincerely,

Mike Singlehurst
Michael Singlehurst
President

Dear Members of the Charter Commission:

I am JIMMY, a resident of Maui County. I am writing to inform you as to my concerns and positions relative to the charter proposals presently being considered by the commission. I have reviewed the proposed charter amendments and have the following comments and concerns, which I hope you will consider in your deliberations.

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

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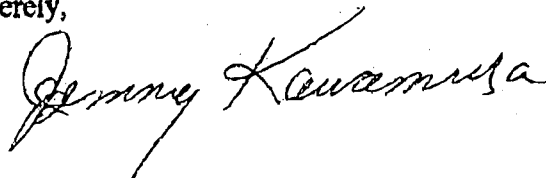
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Commission members, I sincerely hope you will read this letter and consider my thoughts on this important matter. Thank you for taking time out of your busy schedules to work for the good of Maui County.

Sincerely,



LELANE GOO

PO BOX 2239 WAILUKU, HAWAII 96793

March 13, 2002

Dear Members of the Charter Commission:

As a resident of Maui County, I am writing to inform you of my concerns and positions relative to the charter proposals presently being considered by the commission. I have reviewed the proposed charter amendments and have the following comments and concerns, which I hope you will consider in your deliberations.

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

I support these amendments because 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 also facilitate the public hearing and discussion process by opening up additional venues for public meetings.

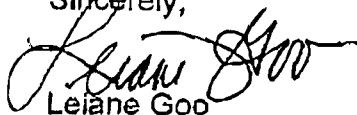
2. The Charter Amendments, which I oppose, are Nos. 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15.

I oppose these proposed amendments because they increase the 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; and create jurisdictional conflicts and redundancy in enforcing and interpreting existing laws.

3. I am in favor of Charter Amendment 17 for a completely autonomous Board of Water Supply.

Commission members, I sincerely hope you will read this letter and consider my thoughts on this important matter. Thank you for taking time out of your busy schedules.

Sincerely,


Lelane Goo

Mar 13 02 01:40p



Valley Isle Electric

P. O. Box 790007 • Paia, HI 96779

Phone (808) 579-9479, (808) 667-0984 • Fax (808) 579-9422

State License - C-21049

Dear Members of the Charter Commission:

I am Dan Varni, a resident of Maui County. I am writing to inform you as to my concerns and positions relative to the charter proposals presently being considered by the commission. I have reviewed the proposed charter amendments and have the following comments and concerns, which I hope you will consider in your deliberations.

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

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.

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Sincerely,

Dan Varni

MAR-13-02 WED 04:31 PM

RIMROCK PAVING, ELASTING.

FAX: 18088745696

PAGE 1



Rimrock Paving Company

Dear Members of the Charter Commission:

I am Ted Fritzen, a resident of Maui County. I am writing to inform you as to my concerns and positions relative to the charter proposals presently being considered by the commission. I have reviewed the proposed charter amendments and have the following comments and concerns, which I hope you will consider in your deliberations.

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Commission members, I sincerely hope you will read this letter and consider my thoughts on this important matter. Thank you for taking the time out of your busy schedules to work for the good of Maui County.

Yours truly



MAR-13-2002 15:46

AINA MAUI PROPERTIES

March 13, 2002

Dear Members of the Charter Commission:

I am Ron Silva, a resident of Maui County. I am writing to inform you as to my concerns and positions relative to the charter proposals presently being considered by the commission. I have reviewed the proposed charter amendments and have the following comments and concerns, which I hope you will consider in your deliberations.

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Commission members, I sincerely hope you will read this letter and consider my thoughts on this important matter. Thank you for taking time out of your busy schedules to work for the good of Maui County.

Sincerely,



Ron Silva

Walker Industries, Ltd.

Precast Concrete Products

P. O. Box 1568
Kahului, HI 96733
Phone (808) 877-3430
Fax (808) 871-7282

RECEIVED
Charter Commission
MAR 14 2002

March 7, 2002

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

Dear Members of the Charter Commission:

I am Frederick Wong, a resident of Maui County. I am writing to inform you as to my concerns and positions relative to the charter proposals presently being considered by the commission. I have reviewed the proposed charter amendments and have the following comments and concerns, which I hope you will consider in your deliberations.

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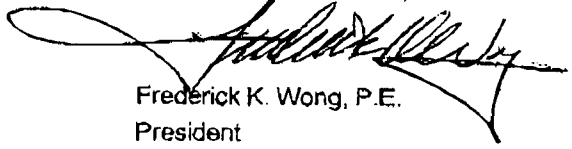
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Commission members, I sincerely hope you will read this letter and consider my thoughts on this important matter. Thank you for taking time out of your busy schedules to work for the good of Maui County.

Sincerely,
WALKER INDUSTRIES, LTD.


Frederick K. Wong, P.E.
President

File: c:\MauiContriCouncilLetters\Corr0313.02

RECEIVED
Charter Commission
MAR 14 2002

March 13, 2002

Maui County Charter Review Commission
1727 Wili Pa Loop, Suite B
Wailuku, Hawaii 96793

Charter Members:

The following are my comments regarding the proposed charter revisions:

PROPOSAL #7 -

It seems that there are two new items in the proposal to be covered by the present DPWWM.

Public Transportation. The Commission should consider the responsibility of public transportation to the Department of Human Concerns. There is no mention that this was considered. To me, public transportation is a Human Concern and perhaps their responsibility should include Public Transportation. The Department of Public Works would not have to add transportation to its title. Public transportation needs requires demographic studies of population and transportation needs. I would assume that the Department of Human Concerns has responsibilities which require such information, why be redundant? The primary concern for public transportation, no matter whether public or private, is to determine the need for public transportation in certain locales. The Department of Public Works can be used to assist with the implementation of collection centers and routes.

There are many public transportation studies that are helpful to determine whether Maui is in need of a public transportation system. Perhaps a study should be made to determine whether Maui is ready for public transportation. To have a viable public transportation is highly dependent upon population and density of population e.g. people per block/neighborhood unit. Maui may have a large population but if it is spread out many of the bus runs would lose money. Can or will the County subsidize public transportation? Why burden the County with more workers who would just sit around because public transportation is not feasible. The study should include guidelines indicate when the County should reconsider another study.

Environmental Protection. The duties of the DPWWM include solid waste management, recycling, wastewater management which are more public works considerations; however, the responsibilities which include flora-fauna protection, coastal and wetlands and other unique features of Maui should maybe focused upon the Planning Department which has several resource type Committees and Boards for public advice e.g. Cultural Resource Commission, Planning Commission, Arbor Committee. The Planning Department is most familiar with Environmental Issues with applications such as Special Management Area Permit which includes compliance with Coastal Zone Management. This means that some of the responsibilities may overlap if assigned to the DPWWM. The Planning Department may be renamed to Department of Planning and Environmental Protection.

In proposal 9 - Planning department is already charged with long range planning preservation of cultural resources why not include environmental protection as part of their role? Shouldn't environmental protection a long range planning effort and many aspects of environmental protection should work hand in hand with zoning (community planning) and SMA.

PROPOSAL #17.

I believe that the Board of Water Supply should become more autonomous 17-A. The county already has previous experience with having the Department of Water Supply incorporated as another County Division. The result was an ineffective frustrated Board so the consideration should be made that if the Department of Water Supply is to become another county department, the Board should be removed since advisory recommendations easily be disregarded and their duties should be redefined.

Every one wants accountability; however, do we want politics to be involved? Can the Council or Mayor make changes to mandate Federal and State Safe Drinking Water rules on a timely basis even at the cost of re-election or will they ask for delays, extensions and deny responsibilities to provide the people with safe drinking water so they can get re-elected? Similarly, can the Council and Mayor declare moratoriums in areas where insufficient water is available even at the cost of re-election?

All elected officials want to be "nice" guys for re-election; the bigger questions is they can or will "bite the bullet" when election time comes. The public already has the right to monitor decisions and present comments at all Board Meetings. There maybe public frustration but the Board must stand firm regarding providing for safe drinking water and reliable water supply without political interference. Having political candidates would be a very dangerous course of action to take when re-election looms in the background.

The Board of Water Supply has only one primary responsibility - Water. Can a publicly elected official make timely thoughtful decisions with their various other duties?

The Charter Commission should check on experiences with the Honolulu Board of Water Supply and Maui's past experience with having the Water as an executive branch to assist in determining the final proposal. The Council and Mayor has the right to select candidates for the Board of Water Supply; perhaps minimum qualifications for the Board position would be helpful.

Thank you for letting me comment on your charter proposals.



Carl K. Takumi
544 Kaimana Avenue
Kahului, Hawaii 96732

RECEIVED
Charter Commission
MAR 14 2002

ALOHA FLOOR & WINDOW COVERING INC.
270 LALO ST. SUITE 102 KAHULUI, HI 96732
TELEPHONE: (808) 877-6173 CELL: (808) 870-3628
FAX: (808) 877-8784 LIC. #C-21512

Dear Members of the Charter Commission:

I am Gregory Figueira, a resident of Maui County. I am writing to inform you as to my concerns and positions relative to the charter proposals presently being considered by the commission. I have reviewed the proposed charter amendments and have the following comments and concerns, which I hope you will consider in your deliberations.

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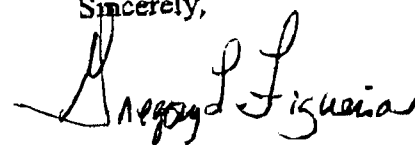
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3. The Charter Amendment 17, I am in favor of a completely autonomous Board of Water Supply.

Commission members, I sincerely hope you will read this letter and consider my thoughts on this important matter. Thank you for taking time out of your busy schedules to work for the good of Maui County.

Sincerely,



Gregory L. Figueira

RECEIVED
Charter Commission
MAR 15 2007



A Hawaii Non-Profit Organization
319 Ano Street
Kahului, Hawaii 96732-1304
(808) 871-5733/Fax 871-5927

March 14, 2002

Members of the Charter Commission
c/o Mayors Office
200 South High Street
Wailuku, HI 96793

Re: Comments/Concerns Regarding Charter Amendments

Dear Members of the Charter Commission:

The Maui contractors Association is writing to confirm our concerns and positions relative to the charter proposals presently being considered by the commission for the general election scheduled for this year. The Board of Directors have reviewed the proposed charter proposals and have attached the positions taken as well as a brief explanation for each position. It is our hope that you as a commission will review the attached information and consider our position as part of deliberations on this very important matter.

Should you have any questions regarding the attached information, please feel free to contact me at 877-4008 ext. 1 or the office of the association at 871-5733.

Sincerely,

Michael Singlehurst
President

**Maui Contractors Association
2002 Maui County Charter Positions**

Proposal I - Adjust County Districts

Position - Oppose

Reason - Changes in population growth in a particular area of the county is not adequate justification to modify the Council district boundaries. We find no compelling reason to endorse this proposal.

Proposal II - Lengthen the Term of Council Members (2) to (4) Years

Position - Support

Reason - we support this proposed change because the longer terms will provide for greater continuity, allow for a more comprehensive legislative agenda and result in a more productive legislative process.

Proposal III - Eliminate Term Limits for Council Members

Position - Oppose

Reason - We find that the current term limit suits the electorate, provides for a definitive limit on terms of office and allows new candidates the opportunity to run for office.

Proposal IV - Eliminate Second Election if a Candidate Receives 50% of the Vote in First Election

Position - Oppose

Reason - Historically, many voters do not participate in the initial special election. This proposal would eliminate the opportunity for some voters to support the candidate of their choice in the General Election.

Proposal V - Allow Council Members to Talk to and Obtain Information Directly from County Officers and Employees

Position - Oppose

Reason - We find this proposal will interfere with the Mayor's ability to manage the executive branch of government and allow political influence to hamper the daily duties and responsibilities of that branch of government.

Proposal VI - Clarifies Responsibilities of the Corporation Council

Position - Oppose

Reason - We find that the present definition of the roles and responsibilities of the Department of Corporation Counsel is adequate and serves the interests of the people of Maui County, the Office of the Mayor and the County Council.

Proposal VII – Broaden the Powers of the Department of Public Works & Waste Management to Include Public Transportation and Environmental Protection and Change It's Title to: "Department of Public Works, Transportation, and Environmental Protection"

Position – Oppose

Reason – Development of a management system for public transportation on Maui should be developed concurrently with the transportation system so both work together. Initiating development of a management system at this time is premature and we cannot support this proposal. As for the environmental protection issue, we find that, if implemented as proposed, there would be considerable duplication of duties and responsibilities with other State and Federal agencies in addition to jurisdictional conflicts and the proposal would add to the overall cost of government. As for the maintenance of County buildings, we find the current responsibilities for maintenance and upkeep are less than satisfactory but that centralization of the responsibility would strain the resources of the department and create the need for additional employees to handle those duties. Responsibility for maintenance should remain with the departments using or controlling the facilities and should be improved. We feel that the name change is also inappropriate given the prior positions.

Proposal VIII – Give the Public Safety Commission the Responsibility to Hire and Fire the Fire chief (Due process protections given to the chief) and to Review the Budget of the Department of Fire Patrol

Position – Oppose

Reason – We find that this proposal would limit the power of the Mayor and result in less accountability for the voting public. Past performance for this position indicates that promotion from within and under the control of the executive branch works for the betterment of the community.

Proposal IX – Clarify the Responsibilities of the Department of Planning in Regards to Long Range Planning, Cultural Resources, Enforcement, Timely Decision Making, and the Community Plans

Position – Oppose

Reason – we find that this proposal, except for the section that recommends timely decision making on the Community and General Plans for the County Council is inappropriate and attempts to correct issues which are already addressed by current law and responsibilities of the department.

Proposal X – Permit Community District Boards and make the Citizens Advisory Committees (CAC) Permanent, Adjust the Boundaries and extend their Powers

Position – Oppose

Reason – We find that the taxpayers of Maui County do not need another layer of jurisdictional control which delays decision making and further stratifies Maui County. The permanent

empanelling of Citizen Advisory Committees would adversely affect the planning and permitting process in Maui County by unnecessarily extending the process of review and comment. As for the frequent comment from the commission that this approach would reduce the number of county boards and commissions, we find that decentralizing the authority and creating boards, which would replace present venues for review and approval, could exacerbate the problem of getting quorums, result in inconsistencies in the interpretation ordinances and laws, increase the cost to local government and further increase the problem of getting enough qualified individuals to sit on the boards.

Proposal XI - Provide Due Process Protection in the Event of the Termination of the Director of Personal Services

Position - Oppose

Reason - We find no compelling reason to change the existing law.

Proposal XII - Stagger the Terms of the Members of the Salary Commission

Position - Oppose

Reason - We find no compelling reason to lessen the authority of an incoming Mayor in the selection of the members of this commission.

Proposal XIII - Commit the County to a Plan of Open Space Acquisition

Position - Oppose

Reason - We find no compelling reason to withhold money from the budgetary process for this purpose and instead want to encourage public/private sector cooperation in the planning and dedication of open space. In addition we find there are many substantive questions which remain to be answered by this proposal such as how much money is to be set aside, who selects what land to be purchased, can the money be used for condemnation purposes and finally, this approach could create inconsistent land use patterns and conflicts with existing uses. For these reasons we find that the development of open space in concert with the development of our communities through a public/private partnership is a better way to address the overall needs of the community.

Proposal XIV - Reduce Signature Requirement for Initiative and Recall

Position - Oppose

Reason - We find that this proposal would be a destabilizing influence on the process of government, business and investment in Maui County and alarmed at the potential implications this change could have on the economic future of its citizens.

Proposal XV - Provide Greater Notice of Meetings

Position - Oppose

Reason - We find nothing wrong with the current procedures and requirements and question as to how the proposed change would improve the process.

Proposal XVI - Location of Meetings

Position - Support

Reason - We find that the need for additional meeting venues will hasten and improve the decision making process for local government.

Proposal XVII - Alternative Options Regarding the Restructuring of the Department and Board of Water Supply

Position - Support alternative 17a, which provides for more autonomy for the board.

Subj: **Proposed Charter Amendments - From Subdivision Engineering Standards**
Date: 3/14/02 12:49:59 PM Pacific Standard Time
From: d.takahashi@princehawaii.com
To: TVenc1@aol.com
Sent from the Internet (Details)

Hi Terry!
FYI. This is all we could get from the SESC. Tom Godfrey is the Chair.
Thanks

Donn Takahashi

> -----Original Message-----

> From: Tom Godfrey [SMTP:bosstom@maui.net]
> Sent: Thursday, March 14, 2002 9:40 AM
> To: d.takahashi@princehawaii.com
> Subject: Proposed Charter Amendments
>
> Aloha Donn:
> I haven't received any comments from any of the
> SESC members but I hope you have.
> In any case, here are my comments - for what they
> are worth.
> Amendment
> 1. No. Leave the districts as they exist except
> for "housekeeping" adjustments.
> 2. Yes. 4 year terms with 2 term limit would be
> okay
> 3. No. Definitely retain term limits.
> 4. No. Primary elections do not attract enough
> voters unfortunately.
> 5. Yes. Unless it requires work to be done. Then
> the Mayor must approve.
> 6. Yes. I assume the lawyers want this one.
> 7. No. I think the Dept. should be "Public Works"
> suffices. I would include waste and
> environment in this dept. but favor making
> Transportation a new Dept.
> 8. Yes. Fire Chief & Police Chief should be treated
> the same.
> 9. Yes. Long Range Planning should be a Deputy
> position.
> 10. No. I am concerned about special interest
> groups taking over the CAC's.
> 11. No. I think the Civil Service Commission can
> handle.
> 12. Yes. Staggered terms will help take this out of
> the mayor's sole control.
> 13. Okay but how will this be funded?
> 14. No. 10% is too low. 20% is low enough.
> 15. Yes. More notice is "bedda".
> 16. Yes. Accessible is okay.
> 17A. No.
> 17B. No. Status Quo is okay.
>

> That it. Thanks for taking time to read my
> comments.