

MAUI COUNTY CHARTER COMMISSION PUBLIC MEETING
Kaunakakai Cafetorium, Moloka'i
Wednesday, February 13, 2002
6:00 p.m.

PRESENT

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

STAFF

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

EXCUSED

Stephen Holaday
Karolyn Mossman
Jon Van Dyke, Charter Commission Analyst

CALL TO ORDER

Chair Vencl called the meeting to order at 6:15 p.m. She asked staff members and commissioners to introduce themselves.

Chair Vencl requested an approval of the February 6 minutes. Motion was made (Bagoyo), seconded (Petro), and unanimously approved.

The following communications are in your packet: Traci Fujita Villarosa, Hans Riecke, Jim Smith, and the Chamber of Commerce; David Salemme, Gene Thompson, Rob Phillips, Pam Cochrane, and David Yanagihara. Today, we have received communications from Michael Tamayo and Gregory Jenkins. Motion was made (Petro), seconded (Takahashi), and unanimously approved to accept all communications into record.

Chair Vencl proceeded with the agenda by giving her Introductory Remarks. She encouraged those wishing to submit more testimony or ideas after we leave to send them to us via the email link on the County website or via regular mail. Everyone should feel free to come in with ideas or comments any time until we're through.

TESTIMONY

MR. GREGORY JENKINS

Mr. Jenkins represented the Maui County chapter (specifically Moloka'i) of the Hawai'i Firefighters Association. He thanked the Commission for the opportunity to visit with them, and said he is in favor of the following:

- 1) Utilizing the Public Safety Commission and renaming it to the Fire and Public Safety Commission.
- 2) All language that was submitted to the Charter Commission in Kihei on February 6 (his proposal should mirror that, and it includes copies of the Hawai'i and City and County of Honolulu).

Mr. Jenkins said he went to the Charter website and read all the minutes. Brian Moto was very helpful in giving legal feedback. He hopes this revised edition reflects the Charter Commission's intent. He said he'd like to come back for three more minutes.

MR. GEORGE W. MAIOHO

Mr. Maioho, the Department of Hawaiian Homelands' District Supervisor, testified as the water purveyor on Moloka'i and as an employee of the Department of Hawaiian Homelands. He supports 17A, which would make the Department and Board of Water Supply more autonomous. The issue of water has always been a sensitive spot; this would undoubtedly give the people of the Water Department more "evenness." Any time the Mayor or Council in charge, the issue becomes political in nature, so he thinks more autonomy would be more conducive to the way they operate (it'd be better for the operations of the department).

MS. VICTORIA (PUNI) BURROWS-KAHU

Ms. Burrows-Kahu is the Treasury Clerk for the Department of Water. She supports 17A, making the Water Department more autonomous, because she believes the department, its director, and its employees do a successful job. She said she knows for a fact that everything is governed by the County, and they've been doing fine for ten years. Why change a good thing?

MS. SARAH SYKES

Ms. Sykes clearly stated that she supports the following:

- 1) 17B, not 17A. The Department of Water Supply should be part of the Executive Branch.
- 2) Housekeeping changes, especially some of the spelling.
- 3) Proposal 14, reducing signature requirements for initiative and recall.
- 4) Proposal 15. She said they don't get real legal notification of meetings. It's only occasionally in papers; it's a real problem.

Ms. Sykes is opposed to Proposal Two. Council member terms should be limited to two year terms to keep more accountability.

MS. KATHRYN DAVIS

Ms. Davis is a County worker but she testified as an individual. She stated that although she'd just seen the Proposals for the first time and hadn't had time to read through it, she's followed many of the issues. She requested that the Proposals and subsequent information be put in the Dispatch to allow people time to read through them, form opinions, and give feedback.

She's in favor of Proposal 13. She's not sure where that 1% would come from, but the concept of having some kind of mechanism in place to keep open space and create park spaces is a good idea. She doesn't support broadening the powers of the Public Works Department as put forth in Proposal 7. For Public Works to be given the additional job of handling public transportation and environmental protection seems overwhelming. Their department is already overwhelmed. There is a litter control problem in the community; they're overtaxed (doing the state's job). Adding environmental protection seems like it'll look nice on paper, but in reality, that's a major job.

Chair Vencl and Commissioner Petro clarified that the list of 17 Proposals was in the Dispatch. Ms. Davis said the pros and cons are more helpful. Weekly inserts used to be very helpful, but don't get those any more.

Chair Vencl told her to feel free to write the Commission via the web page or regular mail to Mayor. When Ms. Davis asked if this would be in the Dispatch, Chair Vencl explained that once the public hearings are completed, the Commission will spend a couple days going over everything and make its final decisions about proposals for the ballot. The proposals will be submitted to the Council, which has 30 days to respond with any suggestions. The Commission then has 30 days to accept their suggestions or not. The final report will then be submitted to the County Clerk's office. Once this final report is ready, we'll send out a press release, buy ads, and begin an educational campaign in September so everyone understands how the words should be interpreted. We're also considering newspapers, TV (Akaku), radio spots, and a mass mailing to every home. We won't be back for another public meeting, and once we get back to the Council with proposals, they won't be changed.

Vice-Chair McLaughlin said he's aware that Moloka'i is unique. He's pushing for free Internet access terminals in schools, and said it could be a requirement in the Charter that access be made available. He asked for more specific ideas for how to improve.

Ms. Sykes interjected that while there are community learning centers in each school and at the library, a lot of people aren't comfortable with that technology. If midweek notices were put at post offices, stores, and the library, then that would be sufficient. Some technology has been made available and is well publicized, but some people just aren't comfortable with that.

MS. DEBRA MAPEL

Ms. Mapel testified about two proposals. She supports 17B, making the Water Board part of the executive branch. She's not in favor of Proposal 10, creating Community District Boards. She's been a Moloka'i Planning commissioner for three years. Planning commissions are taking a lot of heat right now, but a lot of times it's just a lack of communication. A lot of the movement is to get away from planning commissions and to find out how the public feels, but this is like reinventing the wheel. The public voted for this. There may be some bumps in the road now, but perhaps planning commissions should just work on those issues themselves. She said they work directly with the Planning Department, listen to public, and basically do what they're supposed to do, but they don't have a lot of power. Don't throw out planning commissions and create something new; we are addressing how the public needs to have more clout. We're jumping the gun, but people aren't happy right now, so they'd probably vote for CACs. Department heads know what needs to be done; they need to be allowed to do their jobs.

MS. STACY CRIVELLO

Testifying as a Moloka'i resident, Ms. Crivello said the following:

- 1) Regarding the terms of Council members, two years are sufficient. Unlimited terms don't make sense.
- 2) She likes the idea of clarifying the responsibilities of the Planning Department as put forth in Proposal 9. She thinks it strengthens the importance of community plans.
- 3) She supports 17A, making the Water Department more autonomous. She likes the input and support included.
- 4) If CACs are to be permanent, who would make them (appoint them) permanent? Would they be voted in? Clarify that before it's brought to the people. What hasn't

been addressed is how long it sits on a shelf for approval (whether it's the Planning Commission or CACs).

Vice-Chair McLaughlin replied that CACs are currently handled by ordinance and appointed by each of the nine Council members, who are appointed by mayor. Ms. Crivello said she doesn't believe an election should be put forth for CACs. The appointment process is sufficient; we elect our Mayor and Council. She doesn't think it'd be appropriate if a developer could sponsor a candidate for a CAC.

MR. FRED G. SHERMAN

Mr. Sherman said he's a citizen in good standing. He is thoroughly unsatisfied with the system as it is. He believes Water is completely out of control and there's no responsibility at any level in the entire department. He said putting the department under the Mayor may be the best choice for supervising.

Chair Venci thanked him. She called Mr. Jenkins back to continue his testimony.

MR. GREGORY JENKINS

Mr. Jenkins reiterated that he looked at other charters, and he believes the language that was submitted last week is imperative. They really support remaining under the Public Safety Commission; less bureaucracy is better. The Fire Department faces tremendous challenges, and fighters are committed to providing the best service possible. Having a Fire Commission allows them to do their jobs, removes political influence, and could help them meet those goals. Additionally, to be in line with the community in this way, would put them way ahead of other commissions in other states. No other state has Civil Defense and Fire combined. This would have great impact on seamless service.

Vice-Chair McLaughlin wanted to know what problem needed addressing (if it's not broken, what are we trying to fix?). Mr. Jenkins replied with a diverse answer: any time they have a chief, they respect him, but they're facing challenges. They need divisional training for the department, but it's very unfortunate that some budget items go into a "circular file." If it's political, a lot of those issues die, so no planning, goals, or objectives. He feels they could be doing more. They always try to fall back on the fact that they work for the people; put the department back in their hands. Firefighters could present to issues to the Commission and have a voice to express their concerns. This would be a progressive change that doesn't cost money.

Commissioner Petro complimented Mr. Jenkins, saying he did a very good job on his presentation. He asked if he wanted it renamed to the Fire and Public Safety Commission. Mr. Jenkins confirmed this, saying it's desired because 80% of language would be pertaining to them. A lot of members feel it'd do justice to both; however, the language is far more important than what the commission is called.

MR. JOHN DUDOIT

Mr. Dudoit was born and raised on Moloka'i. He is the Water manager for the County on Moloka'i. He supports 17A and having a nine member panel with a director from Public Works and a director for Land Use. This would give equality to both the Mayor's side and theirs. 17B is very politically motivated and aims to give all powers to the Mayor and the Council. We should be sensitive to water issues. Referring to when the Water Department was under the Mayor prior to 1990, he said 25 wells were drilled and built (12 were funded by Water Supply; 3 were state-

funded). As of 1990 when they became semi-autonomous, 12 wells have been built (2 funded by the state; 10 by Water Supply). The job of the Water Department has been done, so he supports 17A.

Vice-Chair McLaughlin stated that Moloka'i is the only area in Maui County under the state for allocations. As manager for Water, is that helping or hurting? Does that create a unique situation on Moloka'i as far as allocations? Mr. Dudoit replied that it makes his job harder.

MR. DAVID CRADDICK

Mr. Craddick addressed the allocation issue, saying that the Council allocates water by the way they give zoning. Even the Water Commission doesn't do that. They may allocate rights to water, but the actual allocation is done by the Planning Department. Proposal 17A or 17B won't change that. He mentioned favorites that you get when under the Mayor. 1989 bonds were issued for \$500,000 for a water system that wasn't even connected to the Water Department system.

CONCLUSION

Chair Vencil thanked everyone for coming. She reminded people to contact the Commission with any testimony or ideas. The meeting was adjourned at 7:17 p.m.

Ke'ala Pasco, Charter Commission Assistant





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February 8, 2002

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

Aloha,

Sorry I was unable to attend the Kihei meeting and I am late getting back to you with my comments. I will briefly comment on each issue and hopefully it will be helpful to the commission.

Proposal 17 (8-11.1-8)

I believe there needs to be more accountability for the Board of Water Supply and it's Director, therefore it should be integrated into the County under the Mayor. Recent events have shown the need for the Board of Water supply to work with the County Council and Mayor to supply current information in a timely manner. Their cooperation has been less than satisfactory.

Proposal 9 (8-8.3)

I agree that the Department of Planning should be required to enforce the long range planning programs and cultural resources management program. These are vital programs that they should not be handled lightly. Enforcement is what is most lacking with the Department of Planning.

Proposal 9 (8-8.4)

A time limit of 180 days for the Planning Commissions to take action is fair and necessary. I think the process of public hearings and subsequent meetings needs to be addressed and refined. There should be a limit to the number of hearings and a time limit to their scheduling. I sometimes think it is a duplication of effort. This also brings up the notification process as discussed in Proposal 15, which I support.

Proposal 9 (8-8.5)

The CAC's are constructed and function well as is presently set up. The only change is that they should be made a permanent part of the process to assist in the implementation of the General and Community Plans.

Proposal 9 (8-8.6)

Any back-up or delay in the review and decision process of the General Plan and Community Plans will only delay and possibly muddle the potential decisions made by the other departments and committees. A time limit of 1 year on the Council to act on the plans is essential.

I believe there also needs to be a time limit on the actions taken on zoning and other land use ordinances. There should be a limit to the number of hearings and a time limit to their scheduling. I sometimes think it is a duplication of effort. This also brings up the notification process as discussed in Proposal 15, which I support.

Proposal 9 (8-8.4)

I agree that the Council would have more accountability, but would that burden the already overloaded Council. I would like to know more about the administrative functions of this proposed plan.

Proposal 10 (8-8)

I don't see any need to restructure the boundaries of the Community District Boards. The CAC needs to function based on the plans established and not be confused by some unnecessary political restructure.

I think having the CAC's responsible for the naming of streets, parks, facilities and street lighting commissions is a great idea in developing community pride and ownership.

Proposal 1 (3-1)

I see no need to change districts in west and south Maui at this time.

Proposal 1 (3-2)

I do believe that four year terms would allow better connection to the community needs and the process necessary to fulfill those needs.

Proposal 3 (3-2)

DO NOT ELIMINATE TERM LIMITS.

Proposal 4 (3-2 & 7-2)

A primary election is just that, a primary election, and should not be used to elect. Statistics show that many people do not view the primary to be as important and therefore do not vote in primaries. I do not support this proposal.

Proposal 5 (3-8.2)

I support any improvement in communication and this seems completely reasonable.

Proposal 6 (8-2.3) No opinion

Proposal 7 (8-5.3)

I believe a proposal to create a department of Environmental Services is a sound proposal and should be considered. As stated, this would allow more issues that were previously buried or hidden to be more visible and therefore properly attended to in a timely manner.

Proposal 8 (8-7.4)

I believe the power to appoint and dismiss a fire chief should be in the hands of the Mayor and the County Council.

Proposal 11 (8-9.2)

I also support this proposal for due process.

Proposal 12 (8-16.1)

I support this proposal to stagger the terms of the Salary Commission. This would allow the Commission to keep functioning efficiently during Mayoral term transition periods.

Proposal 13 (8-6 & 9)

I support the Open-Space Acquisition Plan.

Proposal 14 (11 & 12)

I support the reduction of signatures need for initiative only. Reducing it too quickly could be dangerous. Using registered voters as the criteria rather than ballots cast is more logical.

Proposal 15 (13-2(11))

I think a defined list of means of notification should be determined and published so the public knows where to look. This list should be mandatory and should include details of when notification should be given (how far in advance, etc.) and how often. Suggestions are: County web site (updated bi-monthly), email, newspapers (min. 5 days prior), radio (min. 2 days prior), postings in public buildings.

Proposal 16 (13-9(2))

I agree with this proposal.

Housekeeping Changes

I agree with the proposed changes throughout.

I hope this is useful to you. If I can be of further assistance please call me at 874-6866.

Sincerely,



Frank "Bud" Pikrone
WCA General Manager