

Sarah E. Sykes

January 10, 1992

92-01

Maui County Charter Commission
P.O. Box 307
Kahului, Maui
Hawai'i 96732

Dear Mr. Nakasone and Members of the Commission,

Hope you've had a chance to review and analyze the materials sent last month. If you have any questions, please let me know.

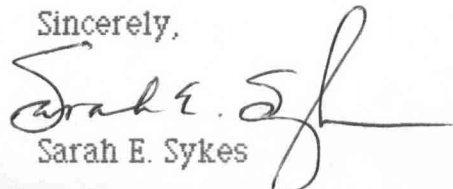
I have enclosed a copy of the 1982 DBED study on the feasibility of Moloka'i becoming a separate county. It concludes that nothing can be studied without more funding. There was to have been another study done on the feasibility of creating something like a township or sub-unit of a county in response to a request by the Fourteenth Legislature ('87... to be reported in 1988), but nothing has been found. The library staff at DBED is still looking for the report.... State Archives searched exhaustively and found nothing.... House and Senate received nothing.... and there is no Governor's message on file.

The report probably said little more than, "we need more money to study this." If the report re-surfaces, I will send a copy to the Charter Commission.

On a separate matter, please do consider the possibility of linking Maui County public meetings and hearings via joining the State's ACCESS and FYI systems... working with MCC and Chronicle Cablevision re: interactive meetings.

All best wishes for this new year.

Sincerely,


Sarah E. Sykes

0185 DOCUMENT= 3 OF 3 PAGE = 1 OF 1

STATUS Regular Session of 1982

MEASURE HRO185,HD1

TITLE REQUESTING A FEASIBILITY STUDY ON MOLOKAI BECOMING A
SEPARATE COUNTY.

INTRODUCER

Takitani A

CO-SIGNERS

Andrews M, Honda H, Monahan W

COMMITTEE REPORT

HSCR 964-82 (PEG)

FIRST READING

26 03/04/82	Introduction - House
39 03/23/82	Referral to PEG
57 04/20/82	Reported from PEG
	Adopted by the House, as amended

RO601 * END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND.



Librarians
Debra Miyashiro
Michelle Pommer
Patrick McNally ✓

STATE OF HAWAII
DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM

220 South King Street, Suite 405
P.O. Box 2359, Honolulu, Hawaii 96804 (808) 586-2424

Fax: (808) 586-2452

12/26/91

In response to your inquiry concerning Molokai government, the attached is the only information available in the library. As the testimony indicates, no formal study was ever done.

STATEMENT OF

Hideto Kono, Director
DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

on

April 13, 1982

before the

HOUSE COMMITTEE ON PUBLIC EMPLOYMENT AND GOVERNMENT OPERATIONS

in consideration of

H.R. 185 Requesting a Feasibility Study on Molokai Becoming a
Separate County

House Resolution No. 185 requests DPED to conduct a study to determine the feasibility of Molokai becoming a separate county.

The resolution under discussion unfortunately fail to specify the exact area to be included in the proposed county. At the present time, the Island of Molokai consists of two so-called judicial districts, Molokai and Kalawao. Kalawao, which is defined as both a County and a district in State law, is the 13.3-square mile area known as Kalaupapa Settlement. Although designated a separate County, it lacks a true governmental structure and is under the jurisdiction of the State Department of Health. The rest of the island, known as Molokai District, is an area of 247.6 square miles (plus 0.2 square miles of inland water) which since the establishment of county government 77 years ago has been part of the County of Maui. Lanai, a 139.5-square mile island also included in Maui County, has in the past been sometimes included in the area proposed for detachment from Maui County, but apparently not in the present instance.

Whether or not Kalawao is included with Molokai District in this proposal, any analysis of the viability of the new county would be seriously hampered by a lack of needed statistics. Most of the data issued by Federal, State, County, and private agencies and organizations are unfortunately not disaggregated below the county level, and even then

Kalawao is often combined with Maui County for reporting purposes. Out of 561 tables in the 1981 edition of The State of Hawaii Data Book, 147 present separate information for Maui County but only 68 present statistics for Molokai. Among the series that are either totally lacking or available only in insufficient detail or for long-past years are those on public finance, land use and ownership, recreational facilities and preferences, visitor arrivals and characteristics, occupational structure, wage rates, personal and family income, price levels, motor vehicles, agricultural resources and production, construction activity, retail and wholesale trade, services, and manufactures. Although some of these statistics could be obtained from special tabulations from existing sources (although not without considerable cost), many would require new surveys running to sizeable sums of money.

The 1980 resident population of Molokai was only 6,049, including both the 5,905 in Molokai District and the 144 in Kalawao County. Growth since the 1970 census amounted to 15.0 percent, well under the Statewide rate and that for the rest of Maui County. As a separate county, Molokai would have only 6/10 of 1 percent of the population of the State and only 15 percent of the population of the smallest county at the present time, Kauai.

Jobs in recent years have been even scarcer than people. The civilian labor force of Molokai was estimated at only 3,500 in 1980, down from 3,550 a year earlier. Employment averaged 3,150 in 1979 and 3,200 in 1980. Unemployment averaged 400 in 1979 and 300 in 1980, dropping from 11.2 percent of the civilian labor force in the earlier period to 8.4 percent a year later -- both being the highest rates recorded in the State for those years.

Pending the release of 1979 family income data compiled in the 1980 decennial census, the most recent statistics available are those for 1974, obtained as part of the OEO 1975 Census Update Survey for Maui County. The 1975 survey, which sampled 398 households in Molokai District (but none in Kalawao), reported a median household income of only \$9,970, well below the Maui County median of \$13,370 and the sixth lowest of the 47 statistical areas surveyed across the State in 1974-1975.

Public welfare caseloads are exceptionally high on Molokai. A special analysis based on 1979 records showed that around 30 percent of the population of the Island was receiving public assistance of one kind or another, a rate approximately triple the Statewide figure.

The gross assessed value of the island in 1981 was \$130,435,000, of which \$54,301,000 was for improvements and \$76,134,000 was for land. The valuation for tax rate purposes came to \$107,629,000, about 6/10 of 1 percent of the State total, 3.7 percent of that for the present Maui County, and 12.7 percent of the figure for the next smallest county. Based on Maui County's present tax rate of \$7.50 per \$1,000 of valuation, the amount of primary revenues that Molokai could raise would be \$807,000. Or it could approve a higher tax rate as the other Counties have done.*

As noted earlier, no information is available on personal income, wages and salaries, or tax revenues for Molokai, but there seems little reason to assume that their levels would be very high.

Although tourism has grown rapidly over the past decade, this increase has been on a very small base, and Molokai ranks far behind the four larger islands of the chain in the size of its visitor plant. The Island had 635 hotel rooms or condominium units in transient use in February 1981, compared with only 89 in February 1970. Although data on the number of visitor arrivals and average occupancy rates are lacking, few analysts would judge Molokai to rank very high in these measures.

Agricultural statistics are likewise unavailable, but here too the level of activity seems to be limited. Cutbacks in pineapple production have obviously not been matched by increases in diversified agriculture, although livestock production remains an important activity.

It should also be noted that adding a new county would necessarily change the composition of the Legislature. Inasmuch as the State Constitution provides a minimum of one Representative and one Senator from each "basic island unit," one or more of the other counties would lose at least one member of its legislative delegation to the new county. In terms of population or registered voters per legislator, the new county would be grossly overrepresented relative to other counties, thereby raising the possibility of a constitutional challenge. Under the "basic island unit" concept, a Molokai County would have 4 percent of the Senate, about 2 percent of the House, and less than 1 percent of the State's population.

* Kauai - \$14.50
Oahu - \$15.23
Hawaii - \$17.90

Even from the limited amount of information available, however, it is possible to say with some confidence that the proposed new county would be so lacking in population, employment opportunities, income, and resources as to face extremely serious questions regarding its viability.

The Department of Planning and Economic Development would indeed be able to survey existing information on Molokai, and make some preliminary judgments based on the extremely limited data available. Any analysis in depth, however, would require a rather costly program of special tabulations of existing sources, special surveys, and comprehensive analysis not possible with the Department's present resources. Even the cursory review of readily available information summarized above would moreover in all likelihood portray an area far too small and lacking in wealth and resources to provide for an acceptable autonomous governmental existence.

If the House does nevertheless feel that a study in depth is called for, we strongly urge that sufficient funds be appropriated for such an analysis. At the minimum, a study of this magnitude would cost approximately \$100,000.

Thank you for the opportunity to offer these comments.

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If the House does nevertheless feel that a study in depth is called for, we strongly urge that sufficient funds be appropriated for such an analysis. At the minimum, a study of this magnitude would cost approximately \$100,000.

Thank you for the opportunity to offer these comments.

92-02



LINDA CROCKETT LINGLE
Mayor
TELEPHONE 243-7855

lkt
C:26/79

OFFICE OF THE MAYOR
COUNTY OF MAUI
WAILUKU, MAUI, HAWAII 96793

January 24, 1992

Honorable Linda Crockett Lingle
Mayor, County of Maui
Wailuku, Hawaii 96793

For transmittal to:

Mr. Robert Nakasone, Chairman
Maui Charter Commission
County of Maui
P. O. Box 307
Kahului, Hawaii 96732

APPROVED FOR TRANSMITTAL
Linda Crockett Lingle 1/28/92

Dear Chairman Nakasone:

The Salary Commission is currently convening to review salaries of elected and appointed officials for Fiscal Year 1992-93.

We have discussed some recommendations and would like you to advise us of the appropriate process and time frame in which to express these issues.

I would appreciate hearing from you prior to our next Salary Commission meeting which is scheduled for February 12, 1992.

Thank you.

Very truly yours,

Linda Crockett Lingle
for DONN J. TAKAHASHI
Chairman, Salary Commission



Replacing
92-03

February 13, 1992

MEMO TO: Bob Nakasone, Chair
Charter Commission

F R O M: Councilmember Goro Hokama *GH*

SUBJECT PROPOSED CHARTER AMENDMENT REGARDING THE
APPOINTMENT AND CONFIRMATION OF THE CORPORATION
COUNSEL AND THE PROSECUTING ATTORNEY

For your review and consideration, I am transmitting the following proposed Charter amendments.

1. Chapter 2 of the County Charter entitled "Department of the Corporation Counsel", shall be amended to read as follows:

"Section 8-2.2. Corporation Counsel.

1. [The corporation counsel shall be appointed by the mayor with the approval of the council and may be removed by the mayor with the approval of the council.] The corporation counsel shall be an attorney licensed to practice and in good standing before the Supreme Court of the State and shall have engaged in the practice of law in the State for at least three years.

2. The corporation counsel shall be nominated by the mayor and approved by the council, and may be removed by the mayor with the approval of the council. Within thirty (30) days after the office of the corporation counsel becomes vacant, by expiration of term or otherwise, the mayor shall submit to the council the name of the nominee for the office of the corporation counsel. If a nominee is disapproved by the council, then the mayor shall submit the name of another nominee within thirty (30) days thereafter. The process shall continue until a nomination is approved by the council.

3. If a vacancy occurs, by expiration of term or otherwise, the mayor shall appoint a person with the requisite qualifications to act as corporation counsel until a nominee has been approved by the council; provided, that if the mayor fails to submit the name of a nominee within the time allowed, the council may appoint a person with the requisite qualifications who shall act as corporation counsel until a nominee has been submitted by the mayor and approved by the council.

4. A nominee who has been disapproved shall not act, or be nominated, as corporation counsel for the remainder of the council term."

2. Chapter 3 of the County Charter entitled "Department of the Prosecuting Attorney" shall be amended to read as follows:

"Section 8-3.2. Prosecuting Attorney.

1. [The prosecuting attorney shall be appointed by the mayor with the approval of the council and may be removed by the mayor with the approval of the council.] The prosecuting attorney shall be an attorney licensed to practice and in good standing before the Supreme Court of the State and shall have engaged in the practice of law in the State for at least three years.

2. The prosecuting attorney shall be nominated by the mayor and approved by the council, and may be removed by the mayor with the approval of the council. Within thirty (30) days after the office of the prosecuting attorney becomes vacant, by expiration of term or otherwise, the mayor shall submit to the council the name of the nominee for the office of the prosecuting attorney. If a nominee is disapproved by the council, then the mayor shall submit the name of another nominee within thirty (30) days thereafter. The process shall continue until a nomination is approved by the council.

February 13, 1992
Page 3

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Thank you for your attention to this matter. Should you have any questions or concerns, please contact me at the Council Office.

CCMEMO:COW3:daw

Council Chair
Howard S. Kihune

Council Vice-Chair
Patrick S. Kawano

Council Members
Vince G. Bagoyo, Jr.
Goro Hokama
Alice L. Lee
Rick Medina
Wayne K. Nishiki
Joe S. Tanaka
Leinaala Teruya Drummond



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

Gwen Yoshimi-Ohashi
Director of Council Services

January 31, 1992

Honorable Linda Crockett Lingle
Mayor, County of Maui
Wailuku, HI 96793

For transmittal to:

Mr. Robert Nakasone, Chairman
and Members of the
Charter Review Commission
County of Maui
Wailuku, HI 96793

Dear Mr. Nakasone:

SUBJECT: PROPOSED CHARTER AMENDMENT REGARDING THE
APPOINTMENT AND CONFIRMATION OF THE CORPORATION
COUNSEL AND THE PROSECUTING ATTORNEY

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2. The corporation counsel shall be nominated by the mayor and approved by the council, and may be removed by the mayor with the approval of the council. Within thirty (30) days after the office of the corporation counsel becomes vacant, or within thirty (30) days after taking

office, the mayor shall submit to the council the name of the nominee for the office of the corporation counsel. If a nominee is disapproved by the council, then the mayor shall submit the name of another nominee within thirty (30) days thereafter. The process shall continue until a nomination is approved by the council. A nominee who has been disapproved shall not be nominated, or act as corporation counsel, for the remainder of the council term.

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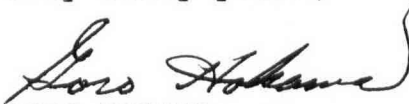
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Mr. Robert Nakasone, Chairman
and Members of the
Charter Review Commission
January 31, 1992
Page 3

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Thank you for your attention to this matter. Should you have any questions or concerns, please contact me.

Very truly yours,


GORO HOKAMA
Councilmember - Lanai

3:GH:jmo

92-04

PROPOSED CHANGES TO THE MAUI COUNTY CHARTER

CHAPTER 7 DEPARTMENT OF FIRE CONTROL

NEW
SECTION 8-7.1. Organization. There shall be a department of fire control consisting of a fire commission, a fire chief and the necessary staff.

WAS FRECH SE SECTION.
SECTION 8-7.2. FIRE COMMISSION. The Fire Commission shall consist of nine members appointed by the Mayor with the approval of the Council.

The Fire Commission shall:

1. Adopt such rules as it may consider necessary for the conduct of its business and regulation of the matters committed to its charge by law.
2. Prepare and submit to the Mayor a request for an annual appropriation for the operation of the department.
3. Receive, review and investigate any charges brought forth by the public against the conduct of the department ^{or} any of its members and submit a written report of its findings and recommendations to the Fire Chief for his disposition.
4. Have such other powers and duties as may be provided by law.

WAS 8-7.2
SECTION 8-7.3. FIRE CHIEF. The Fire Chief shall be appointed and may be removed by the Fire Commission. The chief may be removed by the Fire Commission only after being informed in writing of the charges which are resulting in his dismissal, and after being given a hearing before the commission. The Fire Chief shall have had a minimum of ten years experience in fire control, at least three years of which shall have been in an administrative capacity.

WAS 8-7.3
SECTION 8-7.4. Duties and Functions of the Fire Chief.

The Fire Chief shall:

1. Be the administrative head of the Fire Department.
2. Provide fire protection to the people and property of the county.
3. Investigate the cause, origin and circumstances of fires.
4. Adopt rules relating to the protection of persons and property against fires.
5. Approve building plans and enforce fire codes as provided by law.
6. Train, equip, maintain and supervise the department fire fighters and employees of the department.
7. Maintain and update a five and ten year plan for additional fire fighting facilities and related employees.
8. Have such other powers and duties as may be assigned or as may be provided by law.

*'By Mayor' omitted
shall become FIRE
COMMISSION DUTY.*

92-04

**PUBLIC SAFETY COMMISSION
COUNTY OF MAUI
WAILUKU, HI 96793**

January 7, 1991

Honorable Linda Crockett Lingle
Mayor, County of Maui
Wailuku, HI 96793

Dear Mayor Crockett Lingle:

As per our conversation, please find attached a draft of the proposed Charter Amendments pertaining to the Public Safety Commission.

For your information, this draft has not been reviewed by the Corporation Counsel. Please review and comment at your earliest convenience.

Thank you for your attention to this request.

Sincerely,



DOC EVANS
Chairman

Attachment

which
who p
person
of the
appear.

is an elected officer of the state or county government or
e for election to any public office during the term of the
his provision shall be enforced by the elected executive head
disqualified member whenever such disqualifications shall

(c) The amount of compensation and reasonable expenses for travel and other costs necessarily incident to the discharge of the members' duties shall be established by each county.

(d) Each member of the commission, before entering upon the duties of the member's office, shall take and subscribe to an oath that the member will faithfully perform such duties according to law, which written oath shall be filed with the elected executive head of each county.

Sec. 281-11.5 Liquor commission attorney. The liquor commission may hire attorneys to assist it in carrying out its administrative functions under this chapter. The assistance may include providing legal advice and prosecuting and defending legal claims under this chapter or arising in connection with this chapter.

Sec. 281-12 Commission office. The council of each county shall furnish the liquor commission of such county suitable quarters for its meetings, the transaction of its business, and the keeping of its records. The office of the commission shall at all times be open for the transaction of its business during its prescribed business hours.

Sec. 281-13 Meetings. Meetings of the liquor commission may be held at any time and as often from time to time as the commission deems necessary for the proper transaction of its business, upon call of the chairman or by any other two members of the commission. The administrator shall give notice of such meetings as the commission may prescribe to the several members, and give any other notice thereof directed by the commission.

A majority of all the members of the commission shall constitute a quorum for the transaction of business, but the affirmative vote of a majority of all of the members shall be necessary to determine any matter before it.

Sec. 281-14 Records. The liquor commission shall ensure that complete records are kept of all commission meetings, proceedings, and acts with reference to all business pertaining to licenses issued, suspended, and revoked, moneys received as license fees and otherwise, and disbursements by the commission or under its authority. Unless otherwise prohibited by law, these records shall be open for examination by the public. The records may be destroyed as provided in section 46-43.

Sec. 281-15 Reports, accounts, audit. On or before September 30 of each year the chairman of the liquor commission shall submit to the elected executive head of the county a full report upon the business and operations of the commission during the preceding year, which year

92-06

Proposed Charter Amendments

1. Amend Section 8-8.3 Powers, Duties and Limitations to add new subsection 6 as follows and renumber present 6. as "7.".

6. Prepare a County wide open space and diversified farm/land preservation plan and recommend ordinances to implement and facilitate such plan.

2. Add a new Section 8-8-7, as follows:

Open Space and Diversified Farmland Preservation

An open space and diversified farmland preservation plan shall be developed which recognizes and protects natural preserves; recreational assets; wetlands; endangered species of animals, birds and plants; ocean access; and ecologically vulnerable areas from urban development. The plan shall also devise means of protection of Upcountry Maui's diversified farms employing environmental regulatory action along with incentives for action by private conservation agencies.

Communication 92-06

Attachment to January 30, 1992 Charter Commission Meeting Minutes

30 January, 1992

92-07

Testimony to the Maui County Charter Commission

Good evening, I am Tom Cannon, an Architect who lives in Haiku. I would like to comment on the proposed idea to amend the Charter so that County Council members would be elected only by residents of their home districts.

I think this is a very good idea, if two modifications are made. Council members should be chosen by voters from within their home district, but there should be at least one member who is chosen at-large. In this way we will have at least one person on the Council who is responsible to the county as a whole, who will tend to always look at the "whole picture".

The second change I would encourage, from having a strict (one-man-one-vote) district system, is to give the people of Moloka'i and Lana'i at least one Council member each regardless of whether these islands have the number of voters necessary. I think this should be done no matter what it takes, even if we have to lobby the State Legislature for a change to the constitution. There should be no "canoe districts", as these divided constituencies defeat the purpose of choosing the Council by district in the first place. The reason a district system would be better for Maui than the present system is that council members elected from districts tend to be closer and more responsive to the specific needs of their constituents. If Moloka'i and Lana'i aren't ensured at least one representative each, there is little chance that they will have real representation at all. This would create a situation where the people of these two islands would be forced to submit to taxation without representation, which of course is one of the reasons the American colonies rebelled against England back in 1776.

When the U.S. Constitution was being written, the authors had a great deal of discussion about the possibility of the majority having an unfair advantage over the minority. The less populated colonies didn't like the idea of the more populated colonies ruling over them. They referred to this potential problem as "the tyranny of the majority", and they made sure that the constitution had certain safeguards against it. This is one of the reasons that the U.S. Senate has two representatives from each State, regardless of how many people are in each State; and also why they made the Senate more powerful than the House of Representatives. We should be just as careful to ensure that the less populated islands of Maui County have fair representation on the Council.

I believe that the district system would be an improvement over our present system, but only if at least one council member is responsible to the whole of Maui, and only if Moloka'i and Lana'i are treated fairly.

92-08

Council Chair
Howard S. Kihune

Council Vice-Chair
Patrick S. Kawano

Council Members
Vince G. Bagoyo, Jr.
Goro Hokama
Alice L. Lee
Rick Medina
Wayne K. Nishiki
Joe S. Tanaka
Leinaala Teruya Drummond



Gwen Yoshimi-Ohashi
Director of Council Services

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

February 12, 1992

Mr. Robert Nakasone, Chairman
Charter Commission
County of Maui
Wailuku, Hawaii 96793

Dear Chairman Nakasone:

In response to your letter of February 3, 1992, I am transmitting a copy of the report prepared by Mr. Jeffrey S. Portnoy concerning the appointment of Cyrus Chan and Richard Priest, as Corporation Counsel and Prosecuting Attorney, respectively.

I am also transmitting a copy of Committee Report No. 91-211 adopted by the County Council at its meeting of September 6, 1991.

Should you have any questions or require additional information, please do not hesitate to contact me at 243-7670.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Goro Hokama", is written over a horizontal line.

GORO HOKAMA, Chair
Committee of the Whole

40:MISC:g

J. RUSSELL CADES
HAROLD S. WRIGHT
JAMES S. CAMPBELL
ROBERT B. BUNN
LIAM M. SWOPE
ILAS E. PRIOR
NNER SCHULL
THOMAS P. HUBER
MICHAEL P. PORTER
DONALD E. SCEARCE
RICHARD A. HICKS
ROGER H. EPSTEIN
JEFFREY S. PORTNOY
EDWARD deL. BOYLE
BERNICE LITTMAN
NICHOLAS C. DREHER
MARK A. HAZLETT
PHILIP J. LEAS
DAVID C. LARSEN
STEPHEN B. MACDONALD
LARRY T. TAKUMI
WILLIAM A. CARDWELL

C. MICHAEL HARE
RICHARD R. CLIFTON
JOHN R. AUBE
ROY A. VITOUSEK III
STANLEY M. KURIYAMA
NELSON N. S. CHUN
DARRYL H. W. JOHNSTON
VITO GALATI
CARY S. MATSUSHIGE
DAVID SCHULMEISTER
THOMAS E. CROWLEY III
LORRAINE H. AKIBA
MILTON M. YASUNAGA
SUSAN OKI MOLLWAY
GINO L. GABRIO
COLIN O. MIWA
MARTIN E. HSIA
PETER W. OLSON
JOHN R. CONRAD
RHONDA L. GRISWOLD
GAIL M. TAMASHIRO
STEWART J. MARTIN

CADES SCHUTTE FLEMING & WRIGHT

ATTORNEYS AT LAW

HONOLULU, HAWAII OFFICE

P.O. BOX 939

HONOLULU, HAWAII 96808

1000 BISHOP STREET

HONOLULU, HAWAII 96813

TELECOPIER: (808) 531-8738

TELEX: 7238589

TELEPHONE: (808) 521-9200

RENE E. QJIRI
THOMAS YAMACHIKA
GRACE NIHEI KIDO
DONNA Y. L. LEONG
PATRICIA J. McHENRY
K. JAMES STEINER, JR.
J. ROBERT ARNETT II
DAVID F. E. BANKS
J. THOMAS MALONEY, JR.
DENNIS J. GAUGHAN
BLANE T. YOKOTA
ERNEST H. NOMURA
DANIEL A. MORRIS
JEFFREY D. WATTS
THERESA A. FISHER*

GLENN H. KOBAYASHI
CAROL L. W. HEE
ERIC N. ROOSE
MARJORIE A. LAU
LAURIE A. KURIBAYASHI
MICHAEL K. KIRSCHNER
JAMES H. ASHFORD
ELIZABETH SCHALLER SINK
MICHELE M. SUNAHARA
NANI RAPOZA
CYNTHIA M. JOHIRO*
GAYE L. CHUN
JOHN P. POWELL
ANN M. MISURA

*CALIFORNIA BAR ONLY

C. FREDERICK SCHUTTE
(1921-1988)

OF COUNSEL:
MILTON CADES
WILLIAM L. FLEMING
A. SINGLETON CAGLE

August 8, 1991

PERSONAL and CONFIDENTIAL

WRITER'S DIRECT DIAL NUMBER

Honorable Howard S. Kihune
Council Chair
Maui County Council
200 S. High Street
Wailuku, Maui, Hawaii 96793

Re: Appointment of Cyrus Chan and Richard Priest

Dear Howard:

You have asked me and this office to review and analyze issues relating to Mayor Lingle's appointment and subsequent refusal to remove Cyrus Chan and Richard Priest as Acting Corporation Counsel and Acting Prosecutor, respectfully. The following sets forth our analysis.

FACTS¹

In November 1990, Linda Lingle defeated Elmer Cravalho in the election for Mayor of Maui County (the "County"). Thereafter, in December 1990, media reports surfaced that once the Mayor-elect took office, she would nominate Cyrus Chan for the office of Corporation Counsel and Richard Priest for the Office of the Prosecuting Attorney. At about this time, Mayor-elect Lingle also requested the courtesy resignations of some 30 people in civil service-exempt County positions, including Glen Kosaka and Joseph Cardoza, who were the Corporation Counsel and Prosecuting Attorney, respectively, in the outgoing mayor's administration.

¹

This summary of the facts was prepared by referring to various newspaper articles and the March 27, 1991 legal memorandum from Deputy Corporation Counsel Robert K. Kekuna, Jr. to the Honorable Goro Hokama, regarding "'Acting' Status of Corporation Counsel and Prosecuting Attorney."