

CHARTER COMMISSION
MEETING MINUTES
FEBRUARY 6, 1992
LAHAINA CIVIC CENTER, LAHAINA

Present

Sherrilee Dodson (Vice Chair)
Dolores Fabrao
Annette Mondoy
Robert Nakasone (Chair)
Victor Reyes
Allan Sparks
Anne Takabuki
Jamie Woodburn
Lloyd Yonenaka
Susan Nakano-Ruidas (Staff)

Excused

James Cockett
Deborah Wright

I. CALL TO ORDER

Chair Nakasone noted a quorum present and called the meeting to order at 7:05 p.m.

II. OVERVIEW/DISCUSSION OF CURRENT CHARTER FOR COUNTY OF MAUI AND PRESENTATION OF IDEAS FOR AMENDMENTS

- A. Chair Nakasone explained what each of the Charter Committees was reviewing, that the Commission had not received too much input at this stage. He noted that the Commission had been "comparing our charter with other counties and the mainland. We had input dealing with the question of townships and neighborhood boards, single seat districts, options of biennial budget. April and May we'll go to the deliberation stage; June or July we'll hold public hearings of the final draft of any proposed amendments."
- B. Commission member Sparks: "I wanted to throw out to you the pros and cons of electing our Council people. The system we have now is very confusing to most voters. We have only one district - the entire County. It's hard to hold government accountable when voters are confused."

"With True Districts you have to have equal sized districts. The difference between At-Large and True districts are:

- (a) It might be easier and cheaper to run, and might encourage people to run in a true districting scheme.
(b) True districts are far less confusing.
(c) Each member of Council has fewer people to represent and (that results in) better communication, 11,153 in size if you had nine equal districts.
(d) (There would be) more equal distribution of the budget."

"No matter how we worked it out, we have a canoe district

II. PRESENTATION OF IDEAS FOR AMENDMENTS

B. Commission member Sparks (Continued)

Your area (Lahaina) is an almost natural equal district, dividing off at Kahana or so. Lanai, representing 20% of an equal district, and Molokai, representing 58%, are clear that they would like to have the system the way we have it now."

"Suppose we stay with the At-Large system, but tamper with our residency requirements. One advantage (of the At-Large system) is we really don't have to have equal populations. Suppose we get rid of the one seat with no residency requirement, and split up the Central area - all nine seats have residency requirements. Unless we get a fair amount of feedback from the public, districting may die a natural death."

C. Commission member Takabuki explained that her committee is dealing with the Code of Ethics, Budget and Financial. "We are looking at the possibility of a two-year budget, which would require long range planning. We will be looking at the pros and cons of that - it might save time and money in preparation, but the possibility of less public input might be the down side."

"The Code of Ethics is definitely an area we have to look at. There has been increased interest in it and in the number of complaints filed lately."

"Terms of boards and commissions - it's also been suggested that five years is an awful long time,"

Chair Nakasone noted that Commission member Cockett was "out of town, but his committee has been calling in department heads. The Council has submitted resolutions amending the department heads - asking for confirmation of the Council, instead of just appointment by mayor."

III. PUBLIC TESTIMONY

A. Mac Lawson (Individual)

"I really appreciate you coming out. I served on the State Reapportionment Advisory Council, and I hope you won't take this showing (number of people in attendance) as a lack of support on the proposal of setting districts. I think you would gather a large amount of support (for districting), especially from Lahaina."

"How have current 'districts' been arrived at?"

Commission member Sparks: "Except for South Maui, all were set 15 years ago by the last Charter Commission. It didn't get into trouble with the one-man-one vote, and gave a guarantee for a representative on Lanai. It wasn't too

III. PUBLIC TESTIMONY

Commission member Sparks (Continued)
radical and the public accepted it."

Lowson: "Did you look at representation? The State Reapportionment looked at various methods - 18 and over, everyone able to vote, inclusion or exclusion of the military. That should be in your proposal."

Commission member Sparks: "I looked at different methods, but ended up with population - it's legally the most safe approach to use, but I'm open to suggestions."

Lowson: "If you come forward with a proposal, it can defeat the proposal immediately if you come out with the wrong method. Legally for the base you can use 18 and over or total population, including or excluding the military."

"My comments about the current system are that it's a bad system. It places a sham on representation on Lanai and Molokai. It gives them representation but it doesn't really. Oliva beat Hokama in two elections... the people on Lanai wanted someone else. This shows what can happen to subvert what is supposed to be representation from an area."

"Lanai, with 20% of the vote, are very important. Some one person is going to have to be looking to gain votes from that area. Where as now, those very few votes on Lanai represent a very small number of the total votes that will get that person elected."

"So, it is a sham in that respect. Although I feel sorry for them, in one sense, I don't feel that is actually bad for them. I think it would be a good thing."

"Therefore, I really would be in favor of nine equal representational districts, where each district votes for only its own person and therefore, elects them."

"If you couldn't make it that far, you could try and go back to some type of representational district and still an at-large type of deal, but it's still an unfair situation. I would really encourage you to put forward a proposal of this (districting) type."

(The current system is) just not representational of what the island has changed to, with our fast moving population. People deserve representation that they don't have right now because of the way it's done."

III. PUBLIC TESTIMONY
A. Mac Lowson (Continued)

Commission member Yonenaka: "Currently we have the system where you can vote for all nine members. If we go to districting, you will trade your right to vote for nine representatives to vote for one.

Lowson: "What we are doing now is not the norm, but what we are going to is the norm. We have senate districts, congressional districts - this is the norm. Council districts in other counties, where they elect the person who represents them - this is the norm."

"The fact that I vote for somebody upcountry, who has a representative district there, is not a good idea. That person is theoretically supposed to represent - first their area and then the entire county. And, it just doesn't happen. If that person who lives upcountry isn't really elected by upcountry, that person is elected by central Maui, who are they going to represent? Central Maui may have eight or nine people who they elected, when over all the the population is not that way."

Chair Nakasone: "There is no magic number of nine. You can make it eleven, or whatever."

Lowson: "Eleven should be looked at. I'm not sure if you'd want to have more representatives - you would have more cost and it would be more cumbersome. If that could be outweighed by representing the people better, then it would be acceptable."

B. Robert H. "Buck" Buchanan (Individual) noted that it was "helpful, to those of us who live in Lahaina, to have you outline what you are considering. My comments are on the three sub-committees."

"Regarding Council districting, I tend to feel we'd be better off to keep what we have, than to try and subject either Lanai or Molokai to a 'canoe' district concept. With 17 districts you could possibly qualify Lanai, but until the day arises that there might be sufficient populations, I personally prefer to have nine votes instead of some people only having one-fifth of a vote."

"On the subject of the biennial budgets, I'm troubled with that suggestion because of supplemental budgets. I don't think it's that big a task for either the

III. PUBLIC TESTIMONY

B. "Buck" Buchanan (Continued)

mayor or the County. I think it's a good thing (annual budgets) - it keeps them sharp. I think it helps us voters to know what's going on. I'm against biennial budgets."

"On the terms of boards and commissions, I see the concerns - five years is pretty long, and I'm not familiar with reappointment. But, I can comment on representation applicable to boards and commissions; there has been effort to have members appointed from the various communities. I would propose the possibility of putting some type of district requirements on boards or commissions. That would give us some individual representation, and would be helpful."

"A couple of general comments that haven't been made - I commend the idea for considering term limits on the County Council and mayor. I think it's healthy for people to be on a council, or mayor, for a period of time, then let some more new blood come on, which is helpful for everything."

"Take a look at and consider putting some type of amendments on community plans. A community plan is amended without any direct input from that community. It seems reasonable and just that you should always consider ~~the~~ the people in that community and their input. Amendments should not be made without that community."

Commission member Sparks: "I understand the Community Advisory Committees are going to be putting together proposed amendments, and those should assure that community would get a crack at those amendments. Do you think the community plans have the teeth in them to require zoning compliance?"

Buchanan: "Yes, I do. The current law is pretty good on that. I will make a suggestion in writing. The problem is the lack of attention to what the law already allows. The community plans become part of the general plan. The law requires that an ordinance be introduced. I don't see it being done."

Chair Nakasone: "Are you saying that any plans should be reviewed by the CAC (Community Advisory Committees)? The CAC is strictly advisory."

Buchanan: "I'm asking that an amendment to that plan should be considered by community associations, and advice given by the community before it's changed or adopted."

III. PUBLIC TESTIMONY
B. "Buck" Buchanan (Continued)

Chair Nakasone: "In regards to limiting the term of Council, why would you want to limit the terms if they are doing a good job?"

Buchanan: "A government is better if its spokesmen - elected officials - come from the governed. If you have representatives that are there over a decade, they are not of the people any more."

C. Gene Thompson, representing the Maui County Council of Community Associations, said "I'm setting up a program for the Association to discuss Charter amendments, and would like your advice or suggestions for conferences we intend to have. I'd like to have a preliminary get together of Community Associations with Sparks there to show his maps. There's an interest in district voting. This would be an advance meeting, where (association) representatives are shown the maps, then go home to their associations."

"We are limiting what we are doing to issues people are really interested in:

- (a) At-Large vs. District voting systems;
- (b) Redividing of the districts;
- (c) If the term of Council should go from two to four years;
- (d) Initiative position - Maui has the highest requirements for getting on the ballot;
- (e) Boards and Commissions - whether they should be elected; and
- (f) The balance of power - powers of appointments by the mayor."

"The main thing we wanted was to set up a meeting in March with explanations and input, and then in May have a really big meeting - well publicized."

Chair Nakasone: "The Chair believes May would be ideal timing as we will be in deliberation, or possibly final draft stage."

Thompson: "We hope it makes a contribution in getting people interested and knowledgeable about the Charter. Looking at the third Thursday in March for the informal meeting, and the third Thursday in May - we're going to invite the public and have pro and con discussions."

Chair Nakasone: "I think it would be perfect timing."

III. PUBLIC TESTIMONY

Chair Nakasone (Continued) It can be the kickoff of the first draft (of amendments)."

D. Dr. Terry M. Walker (Republican Party of Maui County and Individual)

"In November, the Republican Party voted overwhelmingly that you go to 'N' number of single member districts; we strongly endorse that. It provides for a much more equal playing field, and it costs much more money to run Countywide."

"My comment as a private citizen is, I very strongly encourage you to place term limitations on the terms of the County Council. If they don't want to be professional politicians, why have they voted themselves a pension? It should be stipulated that any elected official is neither eligible for pension or State retirement system."

Walker noted that the Chamber of Commerce had sent out a questionnaire to its membership, receiving a 10% response. "91% of those responding are in favor of limiting the terms of Council office. A limit of ten years was the average."

Chair Nakasone: "The action taken in November by your membership in terms of recommending to the Charter Commission - is it in writing?"

Walker: "I will submit the resolution in writing."

Mac Lowson asked to make "one specific comment about the general plans." He drew a parallel between 15 acres zoned 'apartment' and 5 acres zoned 'ag' - being specifically requested to require a variance to rezone the 5 acres, and the Mahinahina Airport being able to add additional acreage because the planning department said "this is conceptual, therefore it was approved without general plan variance requirements. I would hope you would address this yourselves, that the administration cannot, on its own volition, decide to interpret what a property is going to be zoned on the general plan."

Chair Nakasone: "Do you have any proposal to submit in writing?"

Lowson: "I'll submit a written proposal."

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- IV. ADJOURNMENT
 There being no further business, Chair Nakasone
 closed the public meeting at 8:21 p.m.

ACCEPTED:

Robert Nakasone, Chairman Date