

COMMITTEE B
CHARTER COMMISSION
MEETING MINUTES
MARCH 5, 1992
COUNCIL COMMITTEE ROOM

Present

James Cockett (Committee Chair)
Sherrilee Dodson
Dolores Fabrao
Annette Mondoy
Victor Reyes
Susan Nakano-Ruidas (Staff)

Excused

Robert Nakasone
Allan Sparks
Anne Takabuki
Jamie Woodburn
Deborah Wright
Lloyd Yonenaka

Guest: Dave DeLeon

- I. CALL TO ORDER
Committee Chair Cockett called the meeting to order at 4:06 p.m.
- II. PUBLIC TESTIMONY
None.
- III. APPROVAL OF MINUTES
Approval of the minutes of the February 20, 1992 Committee B meeting were deferred to the next meeting.
- IV. COMMITTEE B DISCUSSION OF RECOMMENDATIONS FOR AMENDMENTS TO THE MAUI COUNTY CHARTER, ARTICLE 8, CHAPTERS 1 through 15

Chair Cockett noted that the Committee was responsible for reviewing proposed amendments submitted by the County Council (see Communication 91-10, items numbered 2, 3, 4, 6, 8, 10; and Communication 91-16).

- A. COMMUNICATION 91-10-2 REFERRING TO CHAPTER 4, SECTION 8-4-2. DIRECTOR OF FINANCE, WHICH PRESENTLY READS:

The director of finance shall be appointed and may be removed by the mayor.

PROPOSED WORDING:

The director of finance shall be appointed by the mayor with approval of the council, and may be removed by the mayor with approval of the council.

- B. COMMUNICATION 91-10-3 REFERRING TO CHAPTER 8, SECTION 8-8.2 PLANNING DIRECTOR, WHICH PRESENTLY READS:

The planning director shall be appointed and may be removed by the mayor.

PROPOSED WORDING:

The director of planning shall be appointed by the mayor with approval of the council, and may be removed by the mayor with approval of the council.

- C. COMMUNICATION 91-10-4 REFERRING TO CHAPTER 5, SECTION 8-5.2 DIRECTOR OF PUBLIC WORKS, WHICH PRESENTLY READS:

The director of public works shall be appointed and may be removed by the mayor.

IV. DISCUSSION OF RECOMMENDATIONS FOR AMENDMENTS

C. Department of Housing (Continued)

PROPOSED WORDING:

The director of public works shall be appointed by the mayor with approval of the council, and be removed by the mayor with approval of the council.

D. COMMUNICATION 91-10-6 REFERRING TO CHAPTER 11, SECTION 8-11.8 APPROVAL OF RULES (DEPARTMENT OF WATER SUPPLY), WHICH PRESENTLY READS:

The adoption, amendment and repeal of all rules adopted pursuant to Subsection 8-11.4(3) shall be subject to the approval of the mayor. Upon approval by the mayor the proposed rule shall be submitted to the council. Withing (sic) forty-five (45) days of receipt of a proposed rule, the council may be (sic) a two-thirds (2/3) vote of its entire membership disapprove the rule by resolution; in which case the rule shall have no force or effect.

PROPOSED WORDING:

The adoption, amendment and repeal of all rules adopted pursuant to Subsection 8-11.4(3) shall be subject to the approval of the mayor. Upon approval by the mayor the proposed rule shall be submitted to the council. Within forty-five (45) days of receipt of a proposed rule, the council may [by a two-thirds vote of its entire membership] disapprove the rule by resolution; in which case the rule shall have no force or effect.

E. COMMUNICATION 91-10-8 RELATING TO THE ESTABLISHMENT OF A DEPARTMENT OF WASTE MANAGEMENT, AND TO THE TRANSFER THERE TO OF THE SOLID AND WASTE FUNCTIONS FROM THE DEPARTMENT OF PUBLIC WORKS.

F. COMMUNICATION 91-10-10 RELATED TO THE ESTABLISHMENT OF A DEPARTMENT OF HOUSING.

G. COMMUNICATION 91-16 RELATING TO THE ESTABLISHMENT OF A NEW CHAPTER WITHIN THE CHARTER RELATING TO THE ESTABLISHMENT OF A DEPARTMENT OF HOUSING. THE NEW CHAPTER SHALL READ AS FOLLOWS:

CHAPTER 16
DEPARTMENT OF HOUSING

Section 8-16.1. Organization. There shall be a department housing consisting of a director of housing and the necessary staff.

Section 8-16.2. Director of Housing shall be appointed and may be removed by the mayor. The director of housing shall have had a minimum of five years experience in an administrative capacity, either in a public service or a private industry, or both.

COMMITTEE B MEETING MINUTES

MARCH 5, 1992

Page Three

IV. DISCUSSION OF RECOMMENDATIONS FOR AMENDMENTS

G. Department of Housing (Continued)

Section 8-16. Powers, duties and functions. The director of housing shall:

1. Be the administrative head of the department of housing.
2. Develop and administer projects, programs and plans of action designed to stimulate or aid the supply of housing in the county.
3. Act as a local public officer for the purpose of implementing state assisted, and federally aided housing programs.
4. Perform such other duties and functions as may be assigned by the mayor.

Chair Cockett: Evidently this was proposed before for presentation in the 1990 election.

Dave DeLeon: These were all proposed earlier, but the council held back when it was pointed out that your Commission was coming on. Didn't make much sense to do a major change to the Charter two years before a Charter Commission comes on.

Chair Cockett: To get started, I would like to put on the table those proposed by the council to have the appointments of the mayor approved by the council.

We've heard testimony on this as to why the council would like to have this. I don't know how to proceed from here, and if we are compelled to do this because of resolution.

Dodson: If you are asking whether the resolution is reason enough to put it on the ballot, there's a proper way for the council to go about it. They are submitting something to go on the ballot themselves. They can do this anytime during the ten years between the Charter Commissions, if they want some kind of change, like the South Maui seat. It was brought up in the council and put on the ballot and the charter was changed. That's the procedure if the council doesn't even want to deal with us. Otherwise, the resolution, they are encouraging us to do something about it, and they have language that they would like to see us use.

Chair Cockett: This is a resolution for them, however, I'm reluctant to go ahead and just do it as they wish it. And, like you say, if they would like to implement a resolution on their own to put it on the ballot, maybe we should let them do it. And, not do anything as far as what the charter says here.

Fabrao: When some of these resolutions came through, it was at a time because the Commission was going to come in 10 years, they just put it on hold for us to address. So, I think it would be most apropos for us to address it.

Dodson: I think we're going to have to address it one way or another. Whether you use their language completely, whether you use their language as a guideline, whether you take some of their stuff or do it entirely on your own, it's entirely up to you guys.

Chair Cockett: I wanted to address just these three now, because they wanted a change from the mayor having her own team versus they having a hand in approving the mayor's selection. And, that's a delicate one. The conversation we had earlier from Mr. Haake, managing director, that this balance of power was implemented so the mayor would have a team to work with. And, in order to do that from the way I see it, is that we shouldn't change it, unless the council wanted to do it on their own. My recommendation here would be to acknowledge it, and leave it as that.

Mondoy: And, we could leave it at that, as long as we addressed the issue.

Reyes: Mr. Chairman, if this is a recommendation by way of resolution and having been referred to us, do we have the liberty to discuss its philosophical implications, or what is the reason behind this? Or, are we obligated to take some actions based on these resolutions? Where are we if we do or do not act on these resolutions?

Chair Cockett: Correct me if I'm wrong, but my understanding here is they want a hand in the mayor's appointments, and the way it is now in the charter, the mayor can have her team.

Fabrao: And, these are all proposals.

Dodson: I think in answer to your question on whether we have a philosophical/moral obligation to discuss them, that may be one thing. Whether we have an obligation whatever way to act on it, no. You guys can discuss it, and I think you should, talk about the pros and cons, standing in the mayor's shoes, standing in the council's shoes. And, if after that discussion you decide that it's best you leave it the way it is, I think you're fine.

Reyes: I think the people of Maui have adopted this charter before because the people of Maui wanted a mayor-type of government, and by that decision, I think the people of Maui want someone to lead in that sense. So, by having something that the council would have a say in, the mayor forming his or her own team, it hinders that type of election, to be able to run the county with a strong mayor-type of government.

If you look at the ways things work, there always has to be somebody trying to push or move something to go in a certain direction. And, if you have a council that wants to have a say in everything, then you will have the perfect government, a balance of power and a perfect government, but the government will go nowhere, because you have...we'll have the tug and pull and the check and balances, but someone's got to take charge.

Dodson: You're going to be at a Mexican stand-off, with nobody willing to move.

Reyes: Unless we were willing to change the philosophy of our charter, I think the way it is now is a position that it is working and it should remain the same. I think we have a moral obligation as members of this committee to look into why do we or do we not want to consider this proposal.

COMMITTEE B MEETING MINUTES

MARCH 5, 1992

Page Five

Keyes (continued): And, I might point out that when they proposed the department of waste management and department of housing, they didn't put a provision for council approval when the mayor appoints these two directors. So, I see inconsistency in the desire of the council to really have the thing going in the charter. Because when they had these two resolutions proposing to have these departments, if you read the resolution. So, I don't know what they are trying to do...

Dodson: I think what they were trying to do was not kill the second part of it, just by reason of...there's a good chance this committee and the commission as a whole will kill the first part, because it's working fine, just like you said, for all those reasons. Rather than attach that onto the second part, and have it die as well for that very reason, they would much rather see the departments go ahead without council approval of the appointees, rather than have it die completely.

Chair Cockett: Could it also be that those two appointees, the director of planning and the director of finance, are directors in very brittle, powerful, strong departments that really needs a lot of direction from the public? That's very important, more important than the director of housing or waste management. So maybe that's the reason why they would like to see a change were they can confirm that, but I'm just trying to get some input from you folks.

Fabrao: I can see what...If we are going to work on the charter to make it work for everyone, for the next ten years or so, and if its been working pretty well, we shouldn't change it. I do believe, administratively if you have an organization and you want that organization to go well, you cannot have two parties calling the shots, like what the council wants to do. And, there is a lot in the charter that does give the mayor a measure of control, gives the council a measure of control, and also the balance for both. But again, I think he or she, the mayor, needs to have the way of selecting those people whom he/she can work with to get things going. Because accountability still comes to the mayor, even if water is a separate entity, even if public works is a separate entity, the mayor will still be accountable for the whole system. I would think there is a definite power struggle of the council wanting to be the mayor. And, the council is a legislative body, not administrative. If you are going to have a government that is going to run straight through, do it for every department.

Chair Cockett: So your proposal would be...

Fabrao: Just leave it as it is.

Mondoy: I totally agree.

Chair Cockett: Why don't we just propose it to the full commission like it is: "It ain't broke."

Now, getting back to 91-10-2. Travis Thompson, director of finance, has proposed a few things when he met with us. He wanted specific amendments to the charter, Section 8-4.3 and number 7.: Prepare and issue warrants and checks. The addition is 'and checks.'

Reyes: What is the difference between warrants and checks?

Dave DeLeon: He wants to write checks. The warrants have to go through three different steps and checks just one, as far as the number of sign offs.

Fabrao: It's like a purchase order. You have to go and have it approved by this person...

Mondoy: Can you do checks in lieu of warrants?

Chair Cockett: Well, in the process I think you need both, but he wants to add checks...

Fabrao: Probably to address those kinds of items that need immediate kinds of attention?

Chair Cockett: I think that's what he wanted. He mentioned that right now he had to go through the system to get it done, and it takes three to six months to get things done.

Dave DeLeon: You want me to get Travis by here to explain it?

Reyes: Let's say this gets accepted. I think we have to understand a little bit more. For me, it's still unclear, especially if we have to propose this to the voters, about warrants and checks. During the education process, if we could have some more discussion right now...

Chair Cockett: Just verbally accepting these recommendations doesn't mean it's going to be done. The full commission needs to hear this, and also we need legal advise as to how to propose it, so...

Reyes: I understand what's meant by warrant as it takes more time, but there must be a reason why you have several steps. There must be...

Chair Cockett: Well, we can get him up here if you want that clarified.

While we're waiting, there were some more suggestions he had like Section 8-4.3 number 13. It reads here in the charter:

13. Have custody of all official's surety bonds, except the surety bond of the director of finance, which shall be in the custody of the county clerk.

He had no qualms with that but he had recommended that number 13 should be changed to reflect the fact that there is only one bond covering everybody. The way it reads is like two bonds, and it's not so, according to him.

Dodson: Perhaps in the future there may be two bonds, even though at present it's that way, if the language doesn't preclude having only one bond for everybody. It's just assuming that if there is two, then one be kept in one particular place and one be kept in another place. To change that language when it's working already, it doesn't really convolute they system or anything like that. It's just that if there happens to be two different surety bonds, one has to be held in the finance office, one has to be held in the clerk's office.

COMMITTEE B MEETING MINUTES

MARCH 5, 1992

Page Seven

Fabrao: It was my understanding that he said it sounds like there is two but there is only one in effect.

Dodson: Yes, but in the future... That may have been his preference right now, and it may have been the preference of the previous administration, but let's say a new director of finance gets in in 8 years and decides that he wants to have a separate security bond for himself, and a separate security bond for the entire...

Chair Cockett: Could this be a take-off on what happened on Kauai?

Dodson: No. I think that's two separate things. A surety bond, all it is is a kind of insurance policy, and you have to have one. You can either have one that encompasses everybody, or you can have one that encompasses you and you and you. It makes no difference as far as...

Chair Cockett: Okay, let's put a question mark on that one. He had another one, Section 9-13 Audit of Accounts. His recommendation was that addition of some verbage to it would make an audit by an independent firm be a MUST in the changeover of administration.

Dodson: Now that's what you were talking about on Kauai. That addresses that problem because if there had been an independent audit done at changeover, then they would have... actually, that's when they caught it. But anytime you have a changeover in any personnel, before the guy is allowed to settle down in Bermuda, you should probably have some sort of external audit or something.

Chair Cockett: I think that is a good addition to number 13.

Dodson: I think they do it in big corporations too, when they change over treasurers or CEOs, they always do an internal audit.

Fabrao: I'll go with that recommendation.

Chair Cockett: Are there any objections? If not, we'll go ahead and say okay.

Reyes: We would discuss the verbage at the time it's going to be inserted?

Chair Cockett: Yeah, but we've still got a question mark on warrants and checks. We had some more dialog from him, but those were the things he felt...

Lana Taniguchi, county treasurer, entered the meeting.

Chair Cockett: Travis wanted Section 8-4.3.(7) changed to add "and checks." We were just wondering about how it would that affect the office?

COMMITTEE B MEETING MINUTES

MARCH 5, 1992

Page Eight

Dana Taniguchi: With a warrant, it's an instrument that's drawn on the County of Maui, and not drawn on the bank like your checks are. What the banks do is they'll redeem our warrants for us, but then in turn we have to write a check to pay them for the warrants we redeemed. Whereas with a check, if we were able to issue checks, then it would operate just like your own personal checking account. The check is drawn on the bank and the bank can charge our account for it as soon as they redeem it.

Mondoy: My question was can you put the word checks in lieu of warrants, or do you need to work with warrants?

Taniguchi: I believe that Travis wanted the option of issuing warrants or checks.

Chair Cockett: Another question, would there be a limit on the checks or a number he would be comfortable with, or does it make any difference whether it's \$1 million or \$500,000 or \$10 million?

Taniguchi: I cannot answer that question, but I think if you put a limitation on the operations, it would make it a bit more difficult.

Chair Cockett: What would be comfortable for your office as far as a limit would be?

Taniguchi: It's really difficult to say because we have payments--construction contracts and stuff--that go in excess of \$1 million frequently.

Dodson: I think you might get into trouble when putting a limit on either a warrant or a check because Travis is ultimately responsible for all money anyway. If we're putting a limit of \$1 million say, then who does he go to to get an okay? That's his job, you know...

Chair Cockett: Is it the recommendation to leave it as such without a limitation? This is what he recommended.

Reyes: Do I understand correctly then that a warrant is just like a security issued? A piece of paper like a security, stock, whatever, and when you have possession of it as Joe Public, I give it to the bank. So the bank, because it's underwritten by the County, will actually cash it because they know that the County will cover that particular warrant? That's how it is?

Dodson: I think your verbage on security is wrong enough. It's a negotiable instrument.

Reyes: Right. That's what I meant. So it's a negotiable instrument. Why do we have that in the charter to begin with?

Mondoy: It's just a carryover, I guess.

Reyes: Or is it designed to prevent something from slipping through the system?

COMMITTEE B MEETING MINUTES

MARCH 5, 1992

Page Nine

Taniguchi: Well, in the truest sense of warrants, and in how the warrants operate, technically like when the State issues you a warrant, you can appear at the Treasurer's office at the State Capitol, State Building, and he will have to pay you in cash. But, our warrants have a "payable through" designation on it, so we don't actually... I mean if somebody came up to my office and said 'I want to cash this warrant,' I wouldn't have the cash. So it has a "payable through" either at First Hawaiian Bank or Bank of Hawaii, and they are the ones...

Mondoy: The person has to go there to...

Taniguchi: Right.

Dodson: So that eliminates you guys having to keep up to \$2, \$3 or \$4,000 in the office. That's probably a good idea. But then, a check would serve the same purpose. But rather than like completely redo the whole system to do checks, in some situations you'd like to be able to issue warrants. In some situations you'd like to be able to issue checks. So, you don't have to totally eliminate the old system, but yet you can upgrade your system a little bit and issue checks.

Mondoy: What would be the advantage of using the warrants versus the check?

Dodson: How do you decide when to use a check or when to issue a warrant?

Taniguchi: Right now we don't issue any checks because we cannot.

Mondoy: Say you were going to...

Taniguchi: I believe that we'd do it all in checks, but I believe the warrants part is until we can get the system going. I understand the insurance companies use warrants because of the number of signatures that's required on the check from insurance companies. They use warrants.

Reyes: That's why I thought there maybe was a safety measure involved, and additional safety feature involved with a warrant compared to a check, and...

Taniguchi: But not the way our warrants are done now, with the "payable through" designation. Our warrants are functioning like a check except we don't have the protection that a check has. Like, if we were to ask the financial institutions to stop payment on a warrant, and they don't do it at that time, we're ultimately responsible and not them, because it's a warrant and not a check. They process our warrants through a clearing account rather than a regular checking account.

Mondoy: I can see that as a disadvantage to the payee of the warrant if they can only go to designated...

Taniguchi: No. They can cash it anywhere, but if you cash a warrant that's payable through First Hawaiian Bank at Bank of Hawaii, then Bank of Hawaii will send the warrant to First Hawaiian Bank to clear it.

COMMITTEE B MEETING MINUTES

MARCH 5, 1992

Page Ten

Dodson: When you have a warrant, say for some reason somebody gets a hold of a blank warrant and fills it in and forges a signature. And, when you take it down to the bank, because it's a warrant and not a check, is it federally insured so that if the teller doesn't verify the signature or something...

Taniguchi: No. They're not responsible. The banks are not...

Dodson: That would be an advantage of using checks because then you could blame the bank.

Fabrao: Has that occurred at any time?

Taniguchi: Not to my knowledge.

Chair Cockett: Are there any objections then to his request to include checks?

Mondoy: I can't see any.

Fabrao: I'm just wondering why he'd want to keep warrants and add checks, if he was trying to change the system.

Mondoy: He wants to actually phase out the warrant system, is what she is saying.

Fabrao: They why wouldn't he want to have language like that put in then?

Dodson: What if it takes five years to get the whole check system in place so that everything is taken care of? It's a lot of paperwork I imagine, so if it takes five years... Maybe on the next charter he'll come back and say warrants are outdated; they are no longer used, eliminate it from the charter. But for now, I think he needs the options so he's not pressured into a situation of totally redoing the whole system within a matter of whatever our effective date is.

Mondoy: I can understand what she's saying of eventually phasing it out completely.

Taniguchi: But we need to get the controls and procedures in place before we do any kind of changes.

Chair Cockett: Let me ask the question again. Are there any objections to his wanting to insert 'and checks'?

Reyes: After clarification, no.

Chair Cockett: Why don't we go ahead and recommend to the full commission to include that.

Bonding, are you familiar with that?

Taniguchi: I'm not familiar with that.

Chair Cockett: Okay. Why don't we just question that one then?

COMMITTEE B MEETING MINUTES

MARCH 5, 1992

Page Eleven

Chair Cockett: Next one -- 91-10-3. Director of Planning.

I think one of the questions that had come up, and that needs discussion, was the fact of the qualifications for different positions. I think that a question was asked, and I'm a little naive in this area as far as qualifications, except from my own experience, is if your qualifications is such and they're very particular about the compensation that goes with the qualifications... And, I think within the County the reason why the qualifications are under five years is that fact that the compensation is based on the positions they serve on now. And, consequently the looseness is usually left up to the mayor to make the selection to where she can get somebody to fit the qualifications. If it was more stringent, I don't know...

We already talked about the planning director as far as appointment is concerned. It's not broke. What he has alluded to here is just his office and it doesn't really give us any opportunity, or shall I say we have nothing to question him on his office. He has not made any recommendations, but one of the things that I mentioned was the qualifications for the office, and that's not necessarily him. All the rest of the offices come under the same umbrella.

Takabuki: Are we looking at the whole chapter or are just picking out...

Chair Cockett: I don't have any recommendations to pursue his office anymore, except that I make note that this had come under our umbrella B Section. That's all I had put...

Takabuki: But, are we looking at the whole chapter or are we just looking at what they might have said at the meeting, and we're going to come back to the chapter. Because, if we are looking at the whole chapter, there are things probably in here that we should talk about.

What was the discussion about appointments--you said something had come up.

Chair Cockett: A question had come up about qualifications of directors, whether it should be more refined as to years of services with the particular...

Takabuki: So it was just generally speaking...

Reyes: I wasn't aware that some of those functions dealing with planning were transferred from that department to the public works department, and whether some of those functions should be transferred back from public works to planning. Was there any other comments on that particular subject? I seem to recall...

Chair Cockett: Let me read it. 'Miskae noted that in 1973 some of the planning department's duties were changed to the Department of Public Works. No specific studies have been done to see if it would serve the public purpose to transfer back those duties. Miskae noted that he would be open to accepting additional duties if it would serve the public better.'

Dave DeLeon: Particularly as it relates to land use.
Reyes I believe we have had some testimonies to that effect...

COMMITTEE B MEETING MINUTES

MARCH 5, 1992

Page Twelve

Takabuki: What did the public works director say? That he was open to that, too? We must have asked George about that.

Reyes: All I recall from that meeting is that he's under pressure, it's like he's got so many things that he would...it would be better for the department to be able to concentrate on what they can do best, which is construction and that kind of things. And, some of these functions actually has a deputy is technically under him, but he'd rather have them under some other department that is more in tuned. He also says that he feels because he has to go to the council to attend to those planning concerns, it kind of ties him up too much. And I think, if we can get the department to work more efficiently, I would have no qualms or problems with moving those back. Especially the planning department has gotten to a point where it's really a major department in the county.

Dave DeLeon: You, Anne, asked George what he would think about putting Land Use and Codes into planning, and George replied that he thought it might result in too much power in that department. Then you asked if he would consider Land Use and Codes as a separate entity, like the building department and...

kabuki: Like Honolulu has it.

Chair Cockett: This would be time consuming, but why don't we go ahead and look at the whole chapter of planning?

Takabuki: Well, if we're looking at the whole chapter, then right at the very beginning there's a mention of just a Maui Planning Commission and a Molokai Planning Commission. And, we had testimony to the effect that Lanai wanted a planning commission, so that's an issue.

Reyes: We heard that in Hana, too.

Takabuki: That's the thing. Pretty soon every area will want its own planning commission.

Chair Cockett: But, didn't Miskae reply that it was kind of time consuming? That they'd fly over and have to take three...

Fabrao: Except that that is not an answer to Lanai's problem. And, it's not an answer to Hana's problem, Molokai either. And, that's the reason those areas have been kind of like submerged in Maui County. Even for health issues, all the numbers go to Maui County's numbers, and Lanai, or Molokai, or Hana don't really get considered as an area. And, it's not because I come from Lanai that I feel strongly about it.

ause, if you're talking about economics, and about the cost of travel, it's more costly to the people of Lanai to lose all that. And what's going on in Lanai now is to address it. I think it's better to address it and see if we can do better with our own planning commission. And even if there are only one or two items on the agenda, that's only once a month or once in a quarter that they need to go to Lanai. It's not like they're going to have to go there every day, or every month. Like they do on Molokai, if they only have one or two things on the agenda, they don't have to make that many frequent trips as they have to do here.

COMMITTEE B MEETING MINUTES

MARCH 5, 1992

Page Thirteen

Chair Cockett: Wasn't there some discussion about commissions from the different areas?

Fabrao: Hana did say that they didn't have a representative, so when we went over there, the mayor did appoint a Hana person to the Maui Planning Commission, which gives Hana representation. Lanai does have representation. Molokai has it's own planning commission. But a lot of times, and that was the discussion, I feel strongly about, and you heard on Lanai, because alot of our problems go to the Advisory Committee and the Advisory makes recommendations to the Maui Planning Commission. Maui Planning Commission puts a deaf ear to those things and everything gets dropped, and the council never hears about it.

Brian Miskae didn't even know that there were some goings on with the water in there at the golf course because he didn't hear from the Maui Planning Commission.

Chair Cockett: So what's the recommendation?

Fabrao: The recommendation that I feel, and I feel Al does too, I don't know about Annette, that Lanai should be given a planning commission or at least put it in the ballot, and let the people choose.

Chair Cockett: That's your recommendation?

Fabrao: Yeah. Hana is still on the Maui mainland. You can still come to Wailuku or Kahului through Hana Road. Lanai gets weatherbound, and you cannot get out of there. So is Molokai. There's no direct course. So if you say, well Lahaina wants its own planning commission, Kihei wants its own planning commission; they have access to the Maui Planning Commission every time--we don't. That's not a viable excuse for me, that you know that...

Mondoy: Ours has worked well...

Fabrao: I think so. You don't hear any problems from Molokai because Molokai people are taking care of their own problems. They are making their own decisions, and that's what local rule is all about. The argument here was that there was a fear that if we (Lanai) had a planning commission, what would prevent the company from putting its own people in there. That's a given in any kind of situation, I think, any big powerful person would want to have some person there, so they could control the thing. But, by and large, I think there'll be enough people who can form a planning commission to make decisions for Lanai without somebody from Maui making decisions for Lanai. Because Maui people don't know what's going on on Lanai. Even if they say they do, they don't live there. We who live there know what's going on. And that's the reason why alot of the problems we have on Lanai have occurred--because the planning commission did not address them.

Chair Cockett: May I recommend then that we discuss this with the whole body?

Takabuki: So, we're not going to make a suggestion?

Chair Cockett: We can't. What about the other suggestion about commissioners from the different areas like Lanai, possibly going back and bringing in Molokai, Hana, West Maui or whatever. I think that was the discussion.

COMMITTEE B MEETING MINUTES

MARCH 5, 1992

Page Fourteen

Fabrao: Lanai does have a representative on the planning commission, but again, that's only one vote in nine. And issues that would come up to the Maui Planning Commission would be dealing with those issues dealing with the Maui mainland, I think.

Chair Cockett: Why don't we defer that?

Takabuki: I just want to raise one thing. What would you think about making the Lanai Advisory Committee a stonger entity, as opposed to...

Fabrao: It's still the same thing. Because the commission will still...

Takabuki: What if we make it very difficult for the commission to go contrary to what the Advisory Committee says. In other words, require a super majority or some 7 out of 9, or something such that the Lanai person, if they can convince one other person on the planning commission... Or, two other people in other words, that thing won't pass. I guess part of the problem is that the Lanai commissioner isn't able to affect all the other planning commissioners. But if we made it very difficult for the commission to go different than the Advisory Committee, maybe that would solve some problems.

Fabrao: That's an alternative, but I would still go for the full planning commission.

Chair Cockett: Why don't we then pursue this discussion with the full commission?

Reyes: I would like to add one more comment. I guess one quick reply to that is, what if Hana wants its own planning commission? What would stop them, if we have one on Lanai? I'd like to say that if that time comes, they will have to go through the same process like what we are going through now. Someone would have to purpose it and then it would be discussed--it's not going to be automatic, that's what I'm saying.

Chair Cockett: It's a big issue here. I guess we need the whole commission for that. Is that satisfactory? Can we defer that?

Fabrao: That's fine.

Chair Cockett: What else then in the Department of Planning did you want to address?

Takabuki: Wasn't there something with the general plan?

Dave DeLeon: Fred Rohlfing.

Takabuki: Fred Rohlfing. He had some comment on the general plan.

Reyes: There was also a strong voice regarding the general plan by the action of the council; change what was approved in the general plan. It should go back to the community if there are some changes. I think we heard that type of testimony.

COMMITTEE B MEETING MINUTES

MARCH 5, 1992

Page Fifteen

Takabuki: Right. Someone wanted every amendment to the general plan to go back to the CAC. That's right. That was out in Lahaina.

Chair Cockett: What's your recommendation here?

Reyes: Something like you (Anne) proposed--making it more difficult for the council to change...

Takabuki: I guess a super majority or...

Chair Cockett: Would that be our recommendation to the full commission then? Do you want to recommend that?

Takabuki: Maybe we don't have to make a recommendation either on this because I'm not sure we're really...

Reyes: But at least we should have a list that we covered with the possible solutions...

Takabuki: Right. At least a list--maybe the pros and cons. Yeah, that kind of thing rather than actually make a recommendation.

Chair Cockett: The recommendation is to just debate the pros and cons?

Reyes: But consider that strongly. But instead of requiring everything that's been approved in the general plan, before the council does something, go back to the CAC.

Takabuki: Citizen's Advisory Committee.

Reyes: Make it more difficult for the council because it will be more thorough evaluation, more debate, and so forth. Make it more difficult for the council to change it by requiring the number of votes before it can be changed. Let's put it to the whole commission as a possible consideration of that item.

Chair Cockett: Okay, we'll take that as a recommendation.

Dave DeLeon: You wanted to know what Fred wanted?

Takabuki: Yeah.

Dave DeLeon: He, speaking as the director of the Maui Open Space Trust, said to consider amending 8-8.3 Planning Director. New section 8-8.6 Prepare a county open space and diversified agricultural preservation plan--along the lines of the general plan.

As an individual he also said that the commission should consider changing the Coastal Zone Management program so that certain items should go to the council, rather than to purely the planning commissions for final. So, he was suggesting some kind of dollar figure as the way to decide that.

Takabuki: You mean on the SMA permits?

Dave DeLeon: On SMA permits, yeah.

COMMITTEE B MEETING MINUTES

MARCH 5, 1992

Page Sixteen

Takabuki: City and County Council of Honolulu handles SMAs over what the minor permits--over \$65,000, whatever, I think. Gee, that sounds like tremendous amount of time for them...

Dave DeLeon: Our council's rejected it repeatedly because they've been wanting the whole thing coming down. Ours is very administerial--they have all kinds of stuff tied into the SMA--sign ordinances, and everything else. It would be real difficult. It'd be a lot of extra work for the council. There's a bill that passed the Senate, that's going into the House right now, that would do that--force the whole thing to go to the council.

Takabuki: You're kidding. Does it have any chance?

Dave DeLeon: I don't think so. All three neighbor island mayors are against it. Another alternative for that SMA power was the concept of allowing the council a veto, so that instead of getting involved in every one, as they see something they don't like they have forty-five (45) days to jump on it.

Takabuki: That's a thought. Where the action is against what the community really wants, they could make their case to the council.

Dave DeLeon: That way an elected authority has the final shot at it.

Takabuki: The final say. Right now they have to go to court then to overturn something on the SMA.

Dave DeLeon: They've got to, to contest the case.

Takabuki: Right. Contest the case, but those are actually handled usually by someone close to the planning commission. That's an interesting thought. You want to put it on the list, at least for the full commission?

Chair Cockett: Yes, I think so. I think it should be included. We'll go ahead and add that. You want to repeat that?

Takabuki: To amend 8-8.4, subsection 4.

Fabrao: Don't forget to put on your list the Lanai Planning Commission.

Chair Cockett: Yeah, that will be in the minutes--it's on the tape.

Fabrao: Just checking.

Chair Cockett: Anything else?

Takabuki: Thank you very much, Dave. I'm glad you have such good notes.

Chair Cockett: We all appreciate that.

Dave DeLeon: Mine are abbreviated though...

Takabuki: And, you were smart. You put it all in one notebook. I have it like in four different places!

Chair Cockett: Okay, anything else on the planning commission? Any other recommendations? If not, why don't we move over to the Director of Public Works, minutes of 12/5/91.

One of the recommendations that came out strongly from this was the recommendations from Mr. Kaya, and also there is a resolution by the council on implementing a new division--director of waste management.

Takabuki: A department of waste management, with both sewers and solid waste?

Chair Cockett: Yes. He's in accord with that thinking. We had another discussion this last meeting that he brought up--and I did call Hayashida in Honolulu--that they were going to meet with the Charter Commission in Honolulu regarding the change in their charter ten (10) years hence, not now, on including water into that division. And, it's too premature for us to even think about that also. I just thought we'd get that out.

As for the recommendation from the council, I'd like to go ahead and recommend that we go ahead and consider this new department. Who would be the one to write up the job descriptions and the recommendations; who would do that? Would that be personnel?

Takabuki: The director's duties and responsibilities? No, I think we'd probably have to come up with something.

Chair Cockett: Okay, I'd like to follow the same recommendation, rather the same conditions in the charter for this director of waste management.

Takabuki: I think under that resolution, wasn't there proposed language attached to that, that would already spell out the functions of the department? Dave, this is something that the department is in favor of, do you know? Public Works and administration?

Dave DeLeon: Well, they were not the one that recommended it.

Takabuki: But, would she object to it? Do you know any particular feeling of her's or George's, I guess?

Dave DeLeon: Where's it expressed in the charter about the fact that its solid program is tied to its highways, and its going to be a problem with separating out its crews. Guys working highways actually work the trucks, too. That was the one problem he raised immediately. He's real sensitive, since he came from the highways division. It's an operational thing that he's real close to.

Chair Cockett: He did mention that. Right now he can slide people back and forth for emergencies. He can take from the highways and put them into other areas in case of emergencies. But yes, the resolution is written out Department of Waste Management.

Takabuki: Maybe we need more input from George.

Reyes: I think he said that if there could be enough manpower, or funding, to...

Fabrao: ...be separate, rather than him losing his people...

Reyes: ...he would be agreeable to something like that.

Chair Cockett: Do you recommend that we go ahead and speak to him again?

Takabuki: I guess that there is time to get his comments yet.

Chair Cockett: Okay then, the recommendation...

Takabuki: Does the City and County have a department of waste management? Do you have the Charter? They might have a department of refuse collection or, for all I know, completely separate.

Dave DeLeon: I think the gentleman who just resigned was the director of public works.

Chair Cockett: Kaleo...

Takabuki: He was handling sewers, I know that, but maybe they have the refuse separate. They do under this one--develop and manage solid waste processing and disposal.

Fabrao: Under public works?

Takabuki: Yes.

Chair Cockett: Department of Public Works?

Takabuki: Right now, unless they changed it. Looks like they didn't change it.

Fabrao: I think his concern was that he had to use crews to form the new department.

Reyes: Can we recommend that probably we should invite the public works director again, because at that time we didn't have the different options...

Chair Cockett: Why don't we do that? We'll go ahead and invite him up here to our next meeting.

The other chapter here that relates to our committee, relates to the Department of Water Supply regarding rules to be approved by the mayor.

Takabuki: Are we leaving public works? I had another issue there. BVA--Board of Variances and Appeals. And, I think everybody who spoke to this issue thought that their powers should be somewhat curtailed. And, I think we should go along with the administration's proposal, if I recall, to separate out some of those things and take them away from the Board. Specifically, I think right now, they can actually zone by variance, which is to me way too much power for a board of this kind. I do concur with the recommendation that was made by the mayor when she came to the Commission.

Dave, maybe you can...

COMMITTEE B MEETING MINUTES

MARCH 5, 1992

Page Nineteen

Dave DeLeon: This is THE issue the mayor feels the strongest about.

Takabuki: I think she submitted something in writing to us, under 8-5.4 Board of Variances and Appeals. [SEE COMMUNICATION 91-33]

Dave DeLeon: She submitted the exact language she would like to see, but also the general concern was to drop the reference to general plan and zoning. I think it speaks to uses.

Chair Cockett: Then your recommendation is that we take her recommendations?

Takabuki: I agree with the concept fully. I don't know about the language exactly, but I think the concept is correct.

Chair Cockett: Any objections to that? If not, I'd like to recommend that we present that to the full commission.
Was there anything else?

Takabuki: So as Victor brought up, this also applies to the Department of Public Works, whether or not you feel we should further discuss separation of the Land Use portion. That's not to say that they would process building permits though. Planning would not do building permits. That portion of Land Use and Codes would stay with public works, and just Land Use enforcement would go with the Planning.

Reves: That's right.

Takabuki: So, that's unusual. I guess it just goes under both departments.
Was there anything else that George said? Dave, do you have anything else in your notes?
This list won't be all exhaustive. We're just trying to identify the major things. That's all I have.

Dave DeLeon: I have a quote here on--Victor asked him about the combining Land Use and Codes with Planning. He thought the problems were under control and didn't recommend splitting.

Takabuki: I think that's another matter we should talk to George about since we're going to have him come in. He could address that again.

Chair Cockett: Okay. We'll pose that question to him when we call him.

brao: That was resolved through hiring of more people. I thought that was what happened.

Dave DeLeon: I don't know what the reference is to.

Chair Cockett: I'm trying to get the question firm in my mind now. We're going to ask George to...

Takabuki: ...appear to talk, not only about the waste water division and the solid waste being separated, but where their functions currently with Land Use and Codes should be shifted, or certain functions should be shifted, to Planning.

COMMITTEE B MEETING MINUTES

MARCH 5, 1992

Page Twenty

Reyes: And of course, curtail the solid parts of the Board...

Takabuki: I think we're kind of making the recommendation on that, but sure, if George has any other comment...Victor was mentioning the BVA and curtailing their powers. And, the mayor was very specific about what she felt. But if George has anything to add, sure, we can talk to him.

Reyes: What I'd like to add on that on transferring some of the functions from Public Works to Planning, those that affect planning, certainly the codes and things like that, should stay. I mentioned that in general, but of course, if you look at there's some functions that should stay in the Department of Public Works. What I was trying to get was those that could be better handled by the Planning Department should be transferred.

Chair Cockett: Okay, the next one on the agenda was 91-10-6, relates to the Department of Water Supply regarding rules to be approved by the mayor; proposing an amendment to the revised Charter of 1983 relating to the approval of rules of the Department of Water Supply. That's Section 11-8.

Takabuki: Oh, I see. All they're trying to do here is take out the simple majority requirement.

Chair Cockett: Any discussion on that? That's a change they wanted to make--the council.

Fabrao: Why would they want to make that change?

Takabuki: Well, if it's only five (5) members instead of six (6), it's easier to overrule, easier to disapprove...one less vote is required.

Chair Cockett: Is it broke?

Takabuki: I don't know that there's ever really been that much problem...

Dave DeLeon: The council has a thing about having to have six. They don't like being forced to do six votes to overrule. They feel like they are superior to the other bodies, for one thing, so why should they have to come up with the six votes? It's a philosophical question, as far as I can tell.

Fabrao: It doesn't mean we have to go along with their recommendation.

Chair Cockett: Most of the rules are six. Two-thirds (2/3).

Takabuki: To override a veto is still six.

Reyes: But the thing is, if you want to overrule by a resolution, that resolution is governed by the council's rule.

Fabrao: What it's saying is, say only three show up for the meeting, they could overrule what the mayor wants to propose. It doesn't say you have to have a quorum.

COMMITTEE B MEETING MINUTES

MARCH 5, 1992

Page Twenty-one

Dave DeLeon: You know where this came from...there was a period when the council had to have six votes to overrule to change something from what the Planning Commission recommended.

Takabuki: There was one where they needed seven votes for a BVA matter, and that was really unusual. Is that the one?

Dave DeLeon: And, that was a burr under their saddle; and I think this has kind of grown out of that.

Chair Cockett: Well, two-thirds, there's nothing wrong with that in my opinion.

Fabrao: Me, too. I like that.

Dave DeLeon: It depends on what your goal is. If you want the Water Board to have the autonomy, then this gives them a little more autonomy. Conversely, I understand that Craddick wants to drop the mayor's oversight all together.

Chair Cockett: I'd like to recommend to the full commission that we don't make a change.

Fabrao: If we eliminate this, what's to prevent us from eliminating any of the other requirements for votes in any other part of the Charter?

Reyes: Whoever the mayor is, I think she should have...

Chair Cockett: Then the recommendation is not to change it. The next one is 91-10-8, to establish the Department of Waste Management. I think until we talk to Kaya, we should defer that one too.

Last is 91-10-10, a resolution establishing a Department of Housing. That's by resolution by the council.

Reyes: Is the County prepared to...

Chair Cockett: I'm naive on this one. I don't know why they want to do it, and what's the reason behind it. I have no idea who would...

Takabuki: The Housing Department? Again, this is not Mayor Lingle's proposal. It came from the prior administration, and that's because the prior administration had in mind to continue to be into the development of housing. And so he felt, at that time, that it needed its own separate recognition and ability to function without going through so many layers of approval or bureaucracy, so Mayor Tavares felt strongly about it. Now, Mayor Lingle may not feel so strongly about it because, as I understand, she really doesn't want to do development of housing, she wants the private sector to do it. Now there's a change of philosophy, so...

Reyes: This was something from the past?

Chair Cockett: What's the pleasure of this committee then?

Takabuki: Well, if the mayor still feels the same, then she's going to have to be the one to oversee this, and if she doesn't feel it's necessary, I don't see that.

COMMITTEE B MEETING MINUTES

MARCH 5, 1992

Page Twenty-two

Chair Cockett: Wouldn't our recommendation be that she review this and get her opinion, her recommendations on this? Is that okay?

Takabuki: I think so. I think this is a push from the council to do some housing, and I don't know if they want the administration to do it or what, but they may feel that a Department of Housing would be good. We should probably ask...

Chair Cockett: So the recommendation is we ask both sides--council and...

Reyes: Can't we invite Alice (Lee). Isn't she the head of...

Takabuki: She's supposed to come for the budget but, yeah, maybe she can address this.

Chair Cockett: Would we recommend then that she address this topic?

Takabuki: Whoever the council wants to send.

Chair Cockett: Why don't we do that, and get an opinion from the council about this resolution...

Takabuki: As well as the mayor.

Chair Cockett: As well as a recommendation from the mayor.

Takabuki: Well, actually, I think we should probably invite them to comment on anything we propose regarding waste management, that's another thing.

Chair Cockett: Okay, we'll take that recommendation then.

Fabrao: Mr. Tanaka is the chairman of the public works committee...

Takabuki: No, Mr. Kawano is.

Chair Cockett: Okay, that wipes out the agenda for today.

Takabuki: Can I go back to something? You said there was discussion about this confirmation process, or whatever, the appointment of department heads. Does that mean we got into corp counsel and prosecuting attorney, and all that business?

Chair Cockett: No. No, just the new ones that...

Fabrao: Finance, Public Works and Planning, and we wanted to leave it as is.

Chair Cockett: Where the council wanted to be able to confirm, where the mayor can appoint and dismiss, we want to leave it as is.

Takabuki: So we're recommending to the full commission...

Chair Cockett: Yes.

COMMITTEE B MEETING MINUTES

MARCH 5, 1992

Page Twenty-three

Takabuki: I just thought if we'd discussed the corp counsel one, that would have been an interesting discussion.

Reves: That's another session.

Takabuki: That's another day.

Chair Cockett: We've not touched anything in that area but maybe we should discuss this, because that was quite a topic of...

Fabrao: That needs to be addressed.

Takabuki: Yeah. I'd like to... Did Paul Mancini ever come up with any thought on that? Because I think he was going to...

Fabrao: He said he was going to research that.

Takabuki: Isn't that right? Wasn't Paul going to fool around with some language? Then I guess we should leave it for another day.

Chair Cockett: If you check over the list we received earlier, I recommend if you see anything there that needs to be addressed, that we go ahead and address it.

Fabrao: We've got to add in here more power for the planning commission--the Lanai Planning Commission.

Takabuki: Where did elected managing director and corp counsel and all that come from?

Chair Cockett: That was part of the topic, but when we talked to Mr. Haake, you'll recall they didn't want that. In fact, we went down the line because of the recommendations by the council that we ask them if they preferred elected or appointed. And you remember that Travis said he wouldn't accept the job if that was the case. And just following his actions, I think he's doing a good job.

Takabuki: I can't see these positions being elected.

Chair Cockett: Well, that's just for discussion. We're not going to take all these items. I thought if you saw anything that needed addressing, we'd go ahead and do it.

Takabuki: I see. Did we talk about the prosecuting attorney and their request to deputize, I guess, their investigators?

Fabrao: Not this time. He asked for more power that's one of the things he's requesting.

Chair Cockett: That's the next one.

Takabuki: There was something that had to be in there, I thought. Why did he bring that up?

Chair Cockett: If you go back to the minutes of January 9, he had...

COMMITTEE B MEETING MINUTES

MARCH 5, 1992

Page Twenty-four

Fabrao: I believe that the last Charter, if I remember right, their power was removed...

Takabuki: No. The State law was repealed that authorized them, but then he came to us saying it should be Charter.

Reyes: Because the City and County of Honolulu put it back into their Charter.

Takabuki: Right. If it needs to be in there, then I don't have a problem with it.

Fabrao: Why assign somebody to go police something if they don't have the power to arrest them?

Chair Cockett: It's in the January 9 minutes, if you want to refer to that.

Takabuki: He had language also, didn't he?

Chair Cockett: [VERBATIM FROM MINUTES OF 1/9/92] I believe he asked that he would like to see us, by Charter, to enact that police powers for his investigators. Would this committee commend that we pursue that avenue?

Takabuki: If it needs to be done in the Charter, yes.

Fabrao: Certainly I wouldn't want to be in a position to go out and investigate if I don't have that kind of power.

Chair Cockett: He suggested the following verbage change to Chapter 8, Section 8-3.3.a.:

- a. Appoint such deputy prosecuting attorneys and necessary staff as shall be authorized by the council, to include investigators, who shall have all the power and privileges of a police officer of the county.

Takabuki: Investigators should probably be before that language. 'Shall be authorized by the Council.' It should probably be: To appoint such deputy prosecuting attorney's, investigators and necessary staff. And then we can add a phrase that says investigators shall have the powers, etc.

Chair Cockett: It's the wish of this committee to insert that as part of the Charter for the full board. Okay?

Takabuki: Since we're on that chapter, he brought up the issue of attorney's having to have experience in the State, or be licensed in the State for three (3) years.

Chair Cockett: I think he objected to...

Takabuki: Yeah. And I think that's a good point, to me. But I think the reverse side--corp counsel said they thought it was a good point, so I don't know who we balance that. Guy thought it was important because they know the local...

COMMITTEE B MEETING MINUTES

MARCH 5, 1992

Page Twenty-five

Chair Cockett: 'Butrick also suggested the wording on the qualifications be changed. Instead of a three year residency requirement, so many years of practice/experience within the State. He urged the Commissioners to look at the broad view. There is no rational relationship between residing and ability to perform the job.' He's talking about getting qualified people from here or the mainland, or whatever.

Takabuki: I think we should take it out--in the state--those three words, because I can see how it really would affect, especially the prosecuting attorney, as he said, in trying to get assistant DAs from where ever it might be and bring them over...

Chair Cockett: Any objection to that recommendation, that we take it out--the residency?

Fabrao: As long as we have a real good check procedure when you hire somebody, you know there's a good way of doing so we do get people who are qualified. 'Cause you can get a nurse or doctor--we've had on Lanai--a doctor who wasn't a doctor.

Chair Cockett: But by the same token, even if they're here for three years, doesn't mean he's really that qualified.

Fabrao: True, but I think his main point is that you couldn't get qualified people to do the job because our schools are...

Chair Cockett: But if the guy can't cut the mustard, he's not going to be there very long.

Takabuki: They still have to be licensed, but they wouldn't have had to practice three years in the state.

Chair Cockett: The recommendation then is that we go ahead and delete that. We'll take that to the full commission.

Dave DeLeon: I remember Deborah had some real strong feelings about it and she also had some real problems with the constitutionality of it.

Chair Cockett: Okay, it's the recommendation that we do delete that, so we'll take that to the full commission.

Takabuki: Does that mean for Corp Counsel also? Otherwise, we'd have one that says you have to have three years in the state and the other wouldn't say that.

yes: I would suggest that we should probably take it up with the full commission and debate it further.

Fabrao: 'Cause the other question would be then how about the fire chief and the police chief, as far as recruiting within the ranks. Because there was a discussion that they recommended that be a ten to fifteen year experience...

Chair Cockett: We'll come to that, but that's experience as far as service...

COMMITTEE B MEETING MINUTES

MARCH 5, 1992

Page Twenty-six

Fabrao: I'm just wondering how that would be different...

Chair Cockett: Well, they have to be licensed for this other one--attorneys.

Takabuki: So we'll recommend to take both...

Reyes: I have no objection, but I think we should discuss it.

Chair Cockett: Are we through then with Guy Haywood? There was something I saw in the paper, I think Hokama, regarding a forty-five day confirmation. If you don't then the council has the privilege of going ahead and selecting.

Reyes: And the council rejected that.

Takabuki: We got his proposal. That's an issue we still have to take up.

Chair Cockett: One that we have to discuss is with the fire department. And, Doc Evans and Bonnie Tuell have recommended changes to the Maui County Charter with a whole new Department of Fire Control. I think we need more time than we have now to go through this line by line before we make any changes. I recommend that we defer this.

In the discussion with the fire chief there was no change, I believe. He's appointed by the mayor and he can be removed by the mayor. So that's no change. The qualifications, I think he had mentioned...

Well, Davis had noted that the Public Safety recommendation on qualifications from five years to ten years was good. Five years is not enough experience to be chief, according to Doc Evans. I guess he's an ex-fireman or something like that.

Takabuki: That sounds a bit steep for...

Chair Cockett: I think the qualifications that are called for now is sufficient in my opinion.

Fabrao: Five years.

Chair Cockett: Okay, we'll go ahead and recommend that to the full commission then.

Fabrao: He did also recommend too, that the next fire chief should be chosen from in-ranks, if I remember right.

Takabuki: Haven't most been chosen from in-ranks?

Chair Cockett: I think the broad statement on his part was possibly someone else who was qualified in a different county might be selected for fire chief.

Fabrao: But he wanted someone from inside to get the opportunity.

Chair Cockett: Yeah, from within.

Takabuki: I thought one of the things he wanted was to have their commission select the fire chief, just like the police commission does.

COMMITTEE B MEETING MINUTES

MARCH 5, 1992

Page Twenty-seven

Chair Cockett: Yes, this was in their proposal and we're going to go into detail on that later. And, the other people at the meeting that day was Frank Silva and Glenn Mukai from the Liquor Department. I think they were more concerned about...

Fabrao: Conflict of interest with the liquor commission was one of the issues.

Chair Cockett: That's right. They talked about conflict of interest of the people on the Salary Commission.

Fabrao: And some of the liquor commissioners--some were involved with...

Chair Cockett: I think we should have one more round with them, because we asked for the director and he wasn't able to make it so he sent the control officers. I recommend that maybe we should talk to the director.

And, we'll postpone the minutes of the 20th.

We'll come back and cover the others we talked about...the public works...well, it's all in the minutes.

Any other business?

Takabuki: When we call the director of public works, are we calling him in to the full commission or are you just calling him in for the small committee?

Chair Cockett: I think it would be easier if we got him with us here.

Reyes: Our next meeting...

V. NEXT MEETING DATE

Next meeting will be held March 12, 1992 at 2:00 p.m.

VI. ADJOURNMENT

There being no further business, the meeting was adjourned at 6:20 p.m.

ACCEPTED:

James Cockett, Committee Chairman

Date