




92-29

LINDA CROCKETT LINGLE
Mayor
TELEPHONE 243-7855

MAUI COUNTY BOARD OF ETHICS
c/o DEPARTMENT OF THE CORPORATION COUNSEL
COUNTY BUILDING
WAILUKU, MAUI, HAWAII 96793
TELEPHONE 243-7740

April 6, 1992

MEMO TO: Mr. Robert Nakasone, Chairperson
Charter Commission

F R O M: Maile A. Lu'uwai, Deputy Corporation Counsel, 
for the Board of Ethics

SUBJECT: **Amendments to Article 10, Code of Ethics, Maui County Charter**

On April 2, 1992, Board of Ethics Chairperson Paul Kaneshiro presented the following recommendations to the Charter Commission:

1. Section 10-4 (1) (d) should be amended to read:

1.d. Represent private interests in any action or proceeding against the interests of the county or appear in behalf of private interests before any agency of which the individual is an employee or in a transaction in which the individual has participated or will participate.

2. Section 10-4 (1) (e) should be amended to read:

1.e. Use county time, equipment, property, facilities, or personnel for other than public activity or purpose.

3. Several Board members have recommended that a new subsection to Section 10-4 (1) be added that would require an official or employee to disclose that individual's county position if the official or employee is involved in a public activity in which he/she may take official action.

The Board of Ethics counsel has reservations regarding this recommendation for several reasons. First, Section 10-4 (1) (c) would address this area of concern. Second, the disclosure requirement is unduly restrictive and may inhibit county employees from participating in community activities. Third, if a county employee fails to disclose his/her county position a violation of the Code of Ethics will occur. As a result, the employee will be subject to disciplinary action for not disclosing such information.

Robert Nakasone, Chairperson
April 6, 1992
Page 2

4. Maui County Code Section 2.56.040 requires that lobbyists, prior to appearing before any executive or legislative body, file a certified statement with the Board. Maui County Charter Section 10-2.2 which sets forth the Board's duties does not include this responsibility. Therefore, Section 10-2.2 should be amended to include a new subsection to read:

g. Receive and file lobbyist registration forms.

MAL:lc
c:\ethics\charter

92-30

LINDA CROCKETT LINGLE
Mayor



GUY A. HAYWOOD
Corporation Counsel

DEPARTMENT OF THE CORPORATION COUNSEL

COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
TELEPHONE: (808) 243-7740

M E M O R A N D U M

T O : Mr. Robert Nakasone, Chairperson
Maui Charter Commission
P. O. Box 307
Kahului, Hawaii 96732

F R O M: Maile A. Lu'uwai, Deputy Corporation Counsel *Maile*

D A T E: April 9, 1992

SUBJECT: RULES OF THE CHARTER COMMISSION

The only recommendation I have pertaining to the Rules of the Charter Commission is adding a provision under Section II to read:

All committees are subject to the meeting and notice requirements set forth in Chapter 92, Hawaii Revised Statutes.

/ek
c:\memo\charter



LINDA CROCKETT LINGLE
Mayor

GEORGE N. KAYA
Director

CHARLES JENCKS
Deputy Director



92-31

AARON SHINMOTO, P.E.
Land Use and Codes Administration

EASSIE MILLER, P.E.
Wastewater Reclamation Division

RALPH NAGAMINE, P.E.
Engineering Division

BRIAN HASHIRO, P.E.
Solid Waste Division

MELVIN HIPOLITO
Highways Division

COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS

LAND USE AND CODES ADMINISTRATION

250 SOUTH HIGH STREET

WAILUKU, MAUI, HAWAII 96793

April 2, 1992

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

For transmittal to:

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

Dear Mr. Nakasone:

Re: Land Use Conditions and Requirements

We have no objections to transferring the authority of monitoring and enforcing zoning, SMA, special use permits, and other requirements imposed by the Planning Commission and County Council to the Planning Department.

Also, we would be willing to look at the possibility of transferring possibly two land use and building inspector personnel immediately to the Planning Department so new personnel need not be hired and trained. Should additional positions be needed to replace the inspectors transferred to the Planning Department, we will pursue this separately with the administration and County Council.

Very truly yours,

A handwritten signature in cursive script, reading "George N. Kaya".

GEORGE N. KAYA
Director of Public Works

AS:lh



RUSSELL S. KOKUBUN
Chairman & Presiding Officer

MERLE K. LAI
Vice-Chairwoman



92-32

JAMES Y. ARAKAKI
BRIAN J. DE LIMA
TAKASHI DOMINGO
HELENE H. HALE
ROBERT H. MAKUAKANE
HARRY S. RUDDLE
SPENCER K. SCHUTTE

COUNTY COUNCIL

County of Hawaii
Hawaii County Building
25 Aupuni Street
Hilo, Hawaii 96720

FAX TRANSMITTAL MEMO

DATE: April 16, 1992

FAX NO.: 243-7686

NO. OF PAGES: 3
including this memo

TO: Daryl T. Yamamoto, County Clerk
County of Maui

FROM: Takashi Domingo
Hawaii County Council

MESSAGE: I thought you might be interested in this article
(Hawaii Tribune Herald, April 14, 1992). Please give me a
call if you have any questions. . .

RECEIVED
APR 16 PM 1:50
OFFICE OF THE
COUNTY CLERK

IF THERE IS ANY PROBLEM WITH THIS TRANSMISSION, PLEASE CALL
SENDER AT (808) 961-8225.

Frisbee frolicking

—74 photo by William Ing

A frisbee game provided an afternoon diversion for these youngsters at Onoketaha Beach Park in Hilo on Sunday. Ikaika Karamanala of Hilo (left) joins hands (from left) Ikaika Karamanala, Lotus Harley and Trevor Harley in chasing the elusive flying disk.

Five on Council pass the pork around

□ Funds earmarked for only projects in sponsors' districts

By Gordon V.K. Pang
Times-Herald

A measure proposed to provide \$400,000 in pork barrel monies for the benefit of five Council members and their districts is drawing the ire of colleagues and the laymen.

The bill calls for \$80,000 apportionments each for improvements at Alinola Park, where Arakaki resides, a transfer station at Pihonua-Kaunua in the district where De Lima will seek re-election, unspecified road and drainage improvements in Council District 1, Domingo's turf,

unspecified park improvements in District 6, where Makakane resides, and unspecified park improvements in District 9, where Schutte will seek re-election.

The \$400,000 is to be taken from the projected 1990-91 fund balance where appropriated but unexpended monies end up. It's the same account Council members used to obtain \$1 million to fund the Kuleimano community center in Pepee over the objections of the administration earlier this year.

The five Council members make no apologies for sponsoring the measures. The shadow of single member districts puts more pressure on them to bring home needed improvements for their respective districts, they said. And unlike previous years, the administration is not approving the so-called pork barrel monies for Council members, a past tradition, they said.

"It's a result of not having any pork in next year's proposed budget," Arakaki said. "If we're

not getting any next year and have some this year, we feel it better to have us spend it instead of the administration."

"I've got to be worried about what I put in my district," Schutte said. "I'm going to look for whatever cash I can get," he said.

Domingo said he's not entirely happy about the proposed bills but feels them necessary. "Single member districts give

See PORK, Page 10

House, senate in budget showdown

□ Conference panel will focus on cuts; money's too tight

By Bruce Dunford
Associated Press

HONOLULU — The chief negotiators both talked about making cuts in existing state programs as they prepared to meet last night in the first House-Senate showdown on the state's supplemental budget bill.

Ways and Means Committee Chairman Mamoru Yamasaki said instead of detailing additions to the \$10.3 billion, two-year budget approved last year,

the budget conference committee will be concentrating on areas that can be cut.

House Finance Committee Chairman Joseph Souki said cuts will have to be made in the existing budget if there are to be any increases in funding for such priorities as education and housing.

Souki said, however, there will be an effort to avoid cutting any current state jobs in the process of finding additional funds.

"We don't want to touch the state's supplemental budget bill," Yamasaki said. "If possible," he said, "we'll just after yesterday's release of the latest tax figures showing state revenues through

March still trailing those in the same nine-month period last fiscal year.

It's the longest span of negative growth the state has experienced in 30 years.

Despite the slight decline, figures from the Department of Taxation show an improvement for the second straight month.

March revenues were up 6.4 percent over March of last year, however, March of last year saw Hawaii's revenues starting to slide because of the Gulf War with a drop of 8 percent from the year before.

Thus far in the fiscal year, state revenues are down 0.1 percent from the same period last

year, the tax department said.

March's revenue increase was helped by small increases in revenue from individual and corporate income taxes as well as the state hotel tax, according to Tax Director Richard Kahle.

Hotel tax revenues, which reflect the health of the state's tourism industry, were up 5.4 percent from March of last year.

The state supplemental budget being put together by the legislative money committees is based on the state Council on Revenue's March forecast that revenues this year will be up 2.4 percent over last year. That compares to a 6 percent growth forecast made by the council in

January. While the Senate's version of the supplemental budget called for adding only \$35 million more in the coming fiscal year, Yamasaki said "even the Senate budget may prove too optimistic given the continued negative growth in revenues."

The Senate version of the budget call in half the spending proposals made earlier by the House based on the earlier more optimistic revenue projections from the Council on Revenue. For example, of the \$51 million more in education funding

See BUDGET, Page 10

See LIBYA, Page 10

the bombing of a Berlin discotheque frequented by U.S. servicemen that claimed two lives. In the Netherlands, the World Court today rejected Libya's appeal to ban British or U.S. military or economic action to force the surrender of two suspects in the 1988 bombing of Pan Am Flight 103, which killed 270 people.

The Gadhafi government has proposed through the Arab League that the two suspects be

Diego Arria, Venezuelan U.N. ambassador who presided over the Security Council when it acted against Libya, called the proposal "a dilatory tactic to endlessly postpone sanctions."

Air traffic control officials in Cairo confirmed today that Libyan airspace was shut down at 12:01 a.m. and telephone operators said all lines with Libya were disconnected.

Throughout the day, Lee Ann stuck to her testimony that her father had concealed a large

time of the killings, testified that her mother was afraid of Lawrence Dedrick but that her father told her later that he didn't plan to harm his estranged wife. Rather, he told her he was going to hurt

himself. Throughout the day, Lee Ann repeatedly protested Akamine's insistence on straight yes and no answers, saying many of his questions required further explanation.

PORK: Funding measure draws Inouye ire

From Page 1

more accountability but we're fighting already, people are being provincial," he said. "But we've gotta be accountable to our constituents."

The other four Council members were excluded because their districts are already receiving their share, the sponsors of the bill said.

needed capital improvement projects, he said.

through Dec. 2," she said.

The mayor and top Finance Department officials had their own reasons for objecting to the bills and Inouye indicated she may veto the measures.

The amount of transient accommodations (hotel room) taxes the county is now expected to receive from the state is \$14.3

"I'm getting tired of hearing about this shortfall," Schmitt said. The picture is not that bleak, he said, and he suggested that the administration could be scurrying funds away elsewhere.

After some analysis, Schmitt said, "we're going to find we may not be short after all."

The county is seeking more than \$10 million in federal monies to purchase land and create new parks for lower Puna Council Chairman Russell Koku.

"If there're any supplemental monies they should be divided from the perspective of health and safety first," he said.

million, according to statistics provided to the county budget office by the state Council on Revenues.

about a shortfall this year while proposing a reduction in real property tax rates for homeowners next year.

The \$1 million for improvements at Kulsharno is where Council member Merle Lal represents. And the county is get-

among all nine Council districts — evenly,” Hale said. “In the past, we all got our share,” she said, even those who were not part of a given majority leadership.

portends a shortfall of \$885,000 in the current year's budget—before figuring in the \$400,000 appropriation.

Whether those introducing the measures have the votes to put them through is unclear. While the County Charter requires only five votes to take monies out of an account, it will take six votes

ing \$4 million in a community benefit package being offered by developers of the Keralakech quasi-public golf course in Kona where Harry Ruddle lives.

LAT, who is not seeking re-election, said the current Council was voted in through the at-large system and that single member-districts won't take effect until

but if we look at things this late in time, I'm hard-pressed to suggest an item like this."

De Lima said that if nothing else, the bills will stimulate "healthier debate" about how can

Those not part of the scheme disagreed with the reasoning. Kothanur said the Puna par-

"All nine of us still represent all of the people in this island after our last elections."

reduction in county services elsewhere.

Additional improvement monies should be spent.

Obituar

- phenella and promotion :
- Zachary Pau, 25, of 31
- resting arrest.
- Dagoberto Gutierrez, 2
- a family member and res
- Cindy Freimark, 27, a
- court.

[illegible]