

**CHARTER COMMISSION**  
**LIST OF PROPOSED CHARTER AMENDMENTS**

THE FOLLOWING ISSUES NUMBERED 1 THRU 55 WERE DISCUSSED AND GENERATED GREAT INTEREST. (ISSUES NUMBERED 56 THRU 167, COMMENCING ON PAGE 6, GENERATED LESS INTEREST.)

**COMMITTEE ON  
REPRESENTATIVE GOVERNMENT**

Mayor

1. Should the number of terms an individual can serve as Mayor be limited?
2. Should the Mayor be allowed to reappoint (once) members to boards and commissions?

City Council

3. Should Honolulu have a full-time rather than a part-time Council? If so, should outside employment be prohibited?  
\_\_\_\_\_
4. Should the number of terms an individual can serve as a councilmember be limited?
5. Should the number of councilmembers be increased from the current nine members? If so, how many should there be? \_\_\_\_\_
6. Should there be at-large representation on the Council? If so, how many members should be elected at large? \_\_\_\_\_
7. Should councilmembers be allowed to abstain from voting on certain issues if they acknowledge that a conflict of interest is involved?
8. Should the Charter be amended to correct an error made in "degendering" the Charter, to clarify that councilmembers who are dislocated from a district due to reapportionment may continue as a councilmember?
9. Should the 1990 Charter amendment authorizing the Council to confirm City department heads be reversed?

Other Government Officials

10. Should persons such as the Deputy Director of Civil Service and the Deputy Director of the Office of Information and Complaint, who are appointed by the Mayor, be excluded from civil service coverage so that the public policies and philosophies of the chief executive can be more effectively developed and implemented?
11. Should the creation of more than one deputy in a department be permitted so as to more effectively coordinate the department's activities?

68. Should the Director of Finance be allowed to establish other rules and regulations which are deemed necessary to implement purchasing and contracting laws?
69. Should the qualifications of the Medical Examiner be amended in Section 6-702 of the Charter to comply with the State statutes?

Charter

70. After a Charter amendment is implemented, should a four-year or longer period be required before the same issue is considered on the ballot again? How long? \_\_\_\_\_
71. Should the mandatory 10-year review of the Charter be abolished?

Neighborhood Boards

72. Should a nine-member council composed of neighborhood board chairs replace the Neighborhood Commission to support the concept of a system of self governance by the neighborhood boards?  
(If so, should the neighborhood board council be able to hire and fire the Executive Secretary of the Neighborhood Commission, who in turn hires and fires the Neighborhood Commission staff? \_\_\_\_\_)
73. Should the Neighborhood Commission be an independent commission, much like the Charter Commission, with the power to develop and manage its own budget?
74. Should it be mandatory for three of the nine members of the Neighborhood Commission to have served previously on a neighborhood board for at least one full two-year term?
75. Should the Neighborhood Commission be elected, nonpartisan, with the qualification of having served at least one full two-year term on a Neighborhood Board?
76. Should the Neighborhood Commission be granted departmental status (after operating under the Managing Director's Office for more than 15-plus years)?
77. Should a separate fund be established to enable the Neighborhood Commission to assist various neighborhood boards and its members with basic expenses?
78. Should the neighborhood boards be allowed to request grants from the Neighborhood Commission and the Council for projects impacting the various neighborhood board areas?
79. Should the advisory role of neighborhood boards extend to making recommendations on appointees to boards and commissions?

80. Should the neighborhood plan only be amended by action of the neighborhood boards after holding public hearings?
81. Should paid elected or appointed City or State employees be prohibited from becoming members of neighborhood boards (excludes Civil Service employees)?
82. Should neighborhood boards be empowered with more decision-making authority to make policies that affect peoples' lives in their neighborhoods?
83. Should the City Council allocate \$100,000 to each neighborhood board to spend on approved small neighborhood projects?
84. Should a Neighborhood Center with a permanent staff be created and funded by the Council to provide a central gathering place for community activities and the publishing of a monthly neighborhood newsletter?
85. Should a statewide Civil Communications Network be cosponsored by the Council to provide more in-depth information and education to the public on a variety of concerns?
86. Should Oahu County agencies provide technical assistance to neighborhood boards in obtaining information, analyzing proposals and documentation?
87. Should the Neighborhood Commission mail ballots, to be accompanied by an election brochure containing each candidate's biography and detailed position on issues, to voters in each district and also organize candidate forums for each district?
88. Should neighborhood boards be authorized to micro-zone their communities, determine mitigating measures required for new development, and to determine desirable CIP's?
89. Should there be provisions established for representation on the Neighborhood Commission by some of those who have served at least one year on a Neighborhood Board?
90. Should three commissioners be appointed to the Neighborhood Commission by the Mayor, three by the City Council, and three by the Neighborhood Boards?
91. Should the Neighborhood Boards be allowed to make recommendations to various boards and commissions within the government system?

Other Issues

92. Should there be retention and expansion of initiative power?

NEIGHBORHOOD COMMISSION  
**CITY AND COUNTY OF HONOLULU**

HONOLULU, HAWAII 96813  
AREA CODE (808) 523-4087

FRANK F. FASI  
MAYOR



JEREMY HARRIS  
MANAGING DIRECTOR

September 9, 1991

TO: MEMBERS OF THE CHARTER COMMISSION  
CITY AND COUNTY OF HONOLULU

FROM: WILLIE C. ESPERO, EXECUTIVE SECRETARY *WCE*

SUBJECT: THE NEIGHBORHOOD COMMISSION AND THE NEIGHBORHOOD BOARDS

I would like to thank you for the opportunity to present comments about Oahu's Neighborhood Board system. On behalf of the City administration, I would like to state that Article XIV of the City Charter is acceptable in its current language and does not require any changes.

The Neighborhood Board system has been in existence for over 15 years, and throughout the years, the boards have become more involved and influential in the decision making process of government. As independent community groups, the neighborhood boards are interacting with government agencies and officials at the city, state and federal levels.

The Neighborhood Commission, as stated in the Charter, has developed the Neighborhood Plan, periodically reviewed the Neighborhood Plan and assisted in the formation of Neighborhood Boards. The Neighborhood Commission has and continues to fulfill its duties.

One area I would like to highlight is the status of Neighborhood Commission Office staff members. Staff members are currently non-civil service employees, and they should continue to be for the following reasons.

1. City Charter amendments regarding the Neighborhood Commission were on the 1986 ballot. The voters did not support the amendments, 134,800 no votes vs 85,281 yes votes. The amendments were rejected by 49,519 votes. The issue of civil service employees was incorporated in the amendments. See attachment A.

2. The current system of hiring allows us to target and recruit underrepresented groups or minorities to the City if they are qualified.
3. Current system allows the administration to retain qualified employees and dismiss poor performers in a timely manner. If a civil servant is to be terminated, the process can sometimes take longer than one year.
4. Civil service status does not necessarily mean employees will be better trained and qualified when hired.
5. Staff members may at any time take the civil service examination for openings in the City. This right is their option.

Finally, if the Charter Commission believes it may consider civil service status for Neighborhood Commission staff, the Charter Commission should look at all City operations and consider other city employees in the same situation such as the Office of Council Services employees.

Again, I would like to reiterate the City administration's satisfaction with Article XIV as amended of the City Charter.

Thank you once again for this opportunity/today. If you have any questions, I'll be happy to answer them for you.

  
WILLIE ESPERO  
Executive Secretary

WCE:ep

Council Chair  
Howard S. Kihune

Council Vice-Chair  
Patrick S. Kawano

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



92-21  
Gwen Yoshimi-Ohashi  
Director of Council Services

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

March 24, 1992

Honorable Bob Nakasone, Chair  
and Members of the Charter Commission  
County of Maui  
Wailuku, Hawaii 96793

Dear Chair Nakasone and Members:

SUBJECT: RECOMMENDATIONS RELATING TO ARTICLE 9 OF THE  
CHARTER OF THE COUNTY OF MAUI

Thank you for this opportunity to present my views and  
comments on Article 9 of the Charter pertaining to  
"Financial Procedures".

I would like to offer possible changes to Article 9 for  
your review and consideration.

1. The mayor should make budget summaries available  
to the public, and should publish a budget summary  
in the newspaper, by March 15th. The council  
should not be restricted to holding a public  
hearing on the proposed budget and capital program  
"no sooner than the first day of April and no  
later than the thirtieth day of April". Further,  
the two week publication requirement is not  
necessary since the State statutes provide for  
notice requirements of all public hearings. (Sec.  
9-4)
  - a. The summary of the budget should be available  
to the public as soon as possible. The mayor  
knows the budget's contents before the  
council does. The budget is actually  
finalized several days before the March 15th  
submittal, so there is adequate time to  
arrange for publication.
  - b. The Council should receive public testimony  
as soon as possible, after the public has a  
chance to review the budget.

2. The method of initiating changes in the capital program should be clarified, to authorize the council to initiate changes at any time (provided that the appropriation is unencumbered, unexpended, and not otherwise needed). (Sec. 9-6)
  - a. It is unclear whether Section 9-6, subsection 5, intends to authorize the council to initiate changes in the capital program during the time the appropriation is in effect. The mayor might need protection against undue council interference in the operating budget, but there is less of a need in the capital program. The mayor retains sufficient influence in such matters, through the veto power.
  - b. It is unclear whether Section 9-6, subsection 5, intends to preclude capital program amendments from being made during the period after the fiscal year and before the lapsing date. The provision should be clarified. There does not seem to be a need for such a restriction.
3. The term "condition, limitation or restriction to be controlled by the council," should be clarified. (Sec. 9-7)
  - a. This language states that the council can control the budget even after the budget is passed, as long as the control is established in the budget. The provision has been interpreted by the administration to mean that all council restrictions must be in the budget. The arguments on both sides are obvious.
4. The provision requiring all fees, rates, assessments and taxes to be set in the annual budget should be revised to recognize State laws mandating procedures for certain taxes, etc. (Sec. 9-7)
  - a. For example, State law requires specific procedures for setting the fuel tax and vehicle weight tax.



5. The mayor should be allowed to certify to additional estimated revenues received, and should be required to certify immediately to additional revenues actually received. (Sec. 9-9)
  - a. After the annual budget has been decided, additional revenues may be realized. They may arise from anticipated sources or unanticipated sources. The Charter requires these revenues to be actually received before they are recognized as revenues and appropriated. These provisions are overly restrictive. A special provision was added in 1988 to handle reimbursable Federal grants, but certain situations still present problems.
  - b. State law requires an appropriation prior to a bond issue. But the Charter requires the bond proceeds to be actually received before they can be appropriated (except during the annual budget deliberations). The Charter should be changed to allow appropriations prior to a bond issue.
  - c. The mayor should be required to certify immediately to additional revenues which are actually received. Additional revenues should be submitted to the policy-making process as soon as possible.
    - (1) This includes carryover savings from prior years. Currently, the Administration conservatively estimates carryover savings in the mayor's proposed budget. About three months into the new fiscal year, the carryover savings are finally determined; typically, there is a surplus, which the mayor parcels out as the Administration needs it.
6. The rules for appropriation transfers should also apply to other budget changes. (Sec. 9-10)




- a. It is not clear what procedure applies to changes, such as revisions of appropriation descriptions. There should be no question that the mayor should initiate revisions for the executive branch and the council chair should initiate revisions for the legislative branch.
7. If an appropriation transfer is undertaken on the written recommendation of the mayor, only a resolution should be required. (Sec. 9-10)
  - a. Currently, a resolution is required for appropriation transfers within departments, but an ordinance is required for transfers between departments. An ordinance, unlike a resolution, requires two council readings and is subject to veto by the mayor. Sometimes, expeditious action is needed. There should not be a veto if the mayor recommended the transfer.
8. Appropriation transfers between the legislative and executive branch should be authorized. (Sec. 9-10)
  - a. There is a need to clarify whether transfers between the legislative branch and executive branch are allowed. There have been suggestions that there is a separation of powers problem with such transfers.
9. Appropriation transfers within the legislative branch should follow the same rules as transfers within the executive branch; however, the council chair, rather than the mayor, should be authorized to recommend such transfers. (Sec. 9-10)
  - a. It should be made clear that there is no need for the mayor to initiate transfers which involve only the legislative branch.
10. The mayor and the council should be allowed to reduce an appropriation which was made to pay an indebtedness, if the indebtedness is not in existence. (Sec. 9-10)

Honorable Bob Nakasone  
March 24, 1992  
Page 5

- a. On occasion, it may be necessary to reduce an appropriation which was made to pay an indebtedness. For example, a bond may not be issued as expected; in such cases, it should be possible to transfer the debt service appropriation. Appropriation transfers should be allowed, as long as it the appropriation is unexpended, unencumbered, and not needed to repay existing debt.
11. There may be a need for funding to be set aside for a high-cost CIP to be implemented in the future. The amount set aside for the CIP in any one year may not be equal to the amount to be expended. The capital improvement reserve fund authority in Section 9-14 has not been used because of the restrictions on subsequent expenditures.
12. There is a need for long-term planning for county operations. Language could be added to Section 9-3 to require that the financial plan for the operations of the county and its departments for the ensuing fiscal year and proposed for the five years next succeeding the ensuing fiscal year. This would be consistent with the provisions pertaining to the capital program in Section 9-6.

I appreciate the courtesy extended to me as Chair of the Council's Budget Committee, to offer my comments and suggested revisions to Article 9.

Very truly yours,

  
ALICE L. LEE, Chair  
Budget Committee

10:LTR



**OFFICE OF THE COUNTY CLERK**

COUNTY OF MAUI  
200 SOUTH HIGH STREET  
WAILUKU, HAWAII 96793

April 2, 1992

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

Dear Chairman Nakasone and Members:

Because of a Council public hearing scheduled on Lanai, I will not be able to attend your April 2, 1992 meeting. However, I would like to offer the following comments on Article 12 of the Revised Charter of the County of Maui.

1. Section 12-3 (3) should be replaced in its entirety to Petitions must contain the printed name, signature, and address of the person signing. If legally possible, consideration should be given to requiring an individual's social security number for verification purposes. The voting precinct of an individual is unnecessary.
2. Section 12-4 should be revised as follows:

Section 12-4. Filing and Certification. [1. Within thirty (30) days after the filing with the clerk of the affidavit stating the name and office of the officer sought to be removed, all papers comprising a recall petition shall be assembled and filed with the county clerk as one instrument.

2.] 1. Within twenty (20) days from the date of the filing of such petition, the county clerk shall determine the sufficiency thereof and attach thereto a certificate showing the result of his examination. If the county clerk certifies that the petition is insufficient, the clerk shall set forth in the certificate the particulars in which the petition is defective, and shall return a copy of the certificate to the person designated in such petition to receive it.

2. Individual signatures may be withdrawn within fifteen (15) days after the filing of the petition by filing a written request with the county clerk.

3. Section 12-6 should be revised as follows:

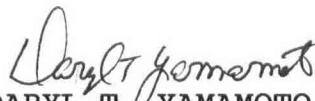
Section 12-6. Recall Election. If a recall petition or supplemental petition shall be certified by the county clerk to be sufficient, the county clerk shall at once submit the petition with the certificate to the council and shall notify the officer sought to be recalled of such action. If the officer whose removal is sought does not resign within five (5) days after such notice, the council shall thereupon order and fix [a day for holding] a recall election to be held at the next general election, provided that the term of office of the person sought to be recalled does not end at the next general election. [Any such election shall be held not less than sixty (60) nor more than ninety (90) days after the petition has been presented to the council, at the same time as any other election held within such period; but if no election is to be held within such period, the council shall call a special recall election to be held within the time aforesaid.] If less than fifty percent (50%) of the voters [registered in the last general election] eligible to vote for the office shall vote at such recall election, the officer sought to be recalled shall not be deemed recalled regardless of the outcome of the election.

5. Section 12-7 should be revised as follows:

Section 12-7. Ballots. The ballots at such recall election shall, with respect to each person whose removal is sought, submit the question: "Shall (name of person) be removed from the office (name of office) by recall?" Immediately following each such question, there shall be printed on the ballots the two propositions in the order set forth: "I favor the removal of (name of person)," "I am against the removal of (name of person)." [Next to the proposition shall be placed a square in which the voters, by marking an X mark, may vote for either of such propositions.] A majority vote of voters drawing ballots shall be sufficient to recall such officer, subject to the provisions of Section 12-6 of this Article.

The foregoing comments are similar to my comments on Article 11, relating to Initiative, and the reasons are similar as well. Should you require additional information or clarification please contact me.

Very truly yours,

  
DARYL T. YAMAMOTO  
County Clerk

RECEIVED MAR 30 1992

92-23

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

RECEIVED  
1992 MAR 27 PM 12:59  
OFFICE OF THE MAYOR

March 23, 1992

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

For transmittal to:

Robert Nakasone, Chairman  
Maui Charter Commission  
County of Maui  
Wailuku, HI 96793

APPROVED FOR TRANSMITTAL

 3/30/92  
Mayor Date

Dear Chairman and Members:

RE: REVIEW OF ARTICLE 8, CHAPTER 7  
SECTION 8-7.4

We would like to thank you and your Commissioners for the courtesy and consideration shown Bonnie Tuell and myself, at the review meeting on January 23, 1992. A full report of this meeting was given to the Public Safety Commission Members at the Regular Meeting of February 6, 1992.

At our last meeting on March 5, 1992, it was the Commissioner's consensus that we request from you, any information regarding plans or recommendations of change to above referenced Article.

Mr. Robert Nakasone

March 23, 1992

Page 2

We would appreciate hearing from you soon, regarding your recommendation of changes to the Maui County Charter, as it pertains to the Public Safety Commission.

Sincerely,

A handwritten signature in black ink, appearing to be "Doc Evans", followed by a long horizontal line that extends to the right.

DOC EVANS  
Chairman

LINDA CROCKETT LINGLE  
Mayor



92-24  
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

**D A T E:** March 20, 1992

**SUBJECT:** **CHARTER COMMISSION COMMITTEE MEETINGS**

Section 92-3, Hawaii Revised Statutes, requires that every board meeting be open to the public and all persons are permitted to attend any meeting unless otherwise provided in the Constitution or closed pursuant to Sections 92-4 and 92-5.

The definition of "Board" includes committees of the board. See Attorney General Opinion 85-27.

Thus, all committee meetings are open to the public and an agenda must be filed at least six calendar days before any committee meeting.

If you have any questions, please feel free to contact me.

Sincerely,

DEPARTMENT OF THE CORPORATION COUNSEL

A handwritten signature in cursive script, appearing to read "Maile A. Lu'uwai".

MAILE A. LU'UWAI  
Deputy Corporation Counsel

MAL:ek  
c:\memo\nakasone



Sarah E. Sykes

March 29, 1992

92-27

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

Dear Mr. Nakasone and Members of the Commission,

While I understand you have much to read and review throughout this process, I'd like to make one last appeal for your favorable consideration of township status for the Island of Moloka'i.

Township status does not add a layer of government, a layer of cost, time and forms, to the current process.

Township status simply facilitates increasing revenue opportunities for Moloka'i. As a legal entity, Moloka'i Township would be empowered to serve as a pass-through for public as well as private foundation monies; monies not available lacking such distinction from Maui County as a whole.

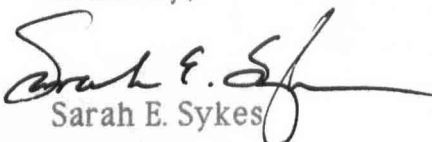
Township status would work hand-in-glove with the new Moloka'i Community Development Corporation.

And, such a change in the Maui County Charter now could facilitate the anticipated needs of Lanai, Hana, Kihei, and other distinct atypical areas within the County... as well as Moloka'i. Eventually all these areas will grow in such a way that to serve all the needs of all the people will require a government form closer to home. Even if population growth does not occur for fifty years, the legal vehicle is in place for eventual use, as needs dictate.

In the meantime, simple township status facilitates meeting current needs to help generate funds for necessary infrastructure and baseline economic development, without adding another layer of forms and offices.

Thank you all for all your time and service to your community.

Sincerely,

  
Sarah E. Sykes

P. O. Box 370

Kaunakakai, Hawai'i 96748

808-553-3831

92-28

April 9, 1992

Chairman Robert Nakasone  
Members of the Maui Charter Commission  
County of Maui  
200 S. High Street  
Wailuku, Maui 96793

Subject: The Mayor's State of the County Address as it relates  
to revision of the Maui County Charter.

Dear Mr. Nakasone,

Mayor Linda Crockett Lingle, in her Annual State of the County Address presented on April 3, 1992, made<sup>a</sup> startling and troublesome announcement. It was troublesome in content and tone. The Mayor cheerfully proclaimed the inevitable demise of our political system, and her intention to abandoned it. Then introduced it's replacement, her political system.

Eleven times in the first page of her address she made reference to herself. Our Mayor made reference to an author and a book that "crystallized ideas" she already put into effect. One need look no farther than yesterday's edition of the Maui News for an example of her "system" in action. At Tuesday's Budget Committee meeting of the Council Councilman Goro Hokama raised the concern that the Mayor has created new positions and failed to notify the Council within 15 days, a requirement of our Charter. The Mayor is reported to have justified her actions by stating that a definition of "temporary" is not given in the Charter.

In 1991 our Mayor destroyed the career of a man publicly recognized for his devotion to public service, Mr. Artemio Baxa; firing him admittedly for "political reasons". She argued that our Charter sanctioned her action.

The Mayor's address contained the same rhetoric of deception manufactured by Reaganites, which empowered managers of Savings and Loans to loot our nation's treasury, the same deception which spawned the slogan "greed is good", that empowered individuals in H.U.D. to feed off the entitlements of our Country's poor.

If any of you profess to believe that government should: transfer its power to individuals and that our political system should abandon the moral standard embodied in the current Charter, abandon the idea that those who govern are governed in their action by "fairness" not consensus, if any of you would grant in any shape or form to a Mayor the authority to govern by rules of the marketplace; then your work will only serve to erode and destroy a political system millions of Americans fought and died to preserve. I ask that you resign, and attack this system in a less lethal way, at the legislative level.

Page 2

I have submitted more than one request related to revising this charter. The Mayor's address makes those requests and my concerns trivial in comparison to what I propose now.

Our mayor has and will continue to enter into partnerships with certain individuals, developers, or corporations. Government service to these partnerships may be detrimental to my personal freedom and equal enjoyment of certain rights, and cause a lose of trust and confidence in the integrity of government.

Since our Mayor has abandoned rules and regulations of the County, that in the past have served to provide equal protection and opportunity, rules that inspire trust and confidence in the integrity of government, I request that Article 10 Section 10 - 4 Prohibitions, be amended to read: (d) Represent private interest in any action or proceeding against the interests of the county or appear in behalf of private interest before any agency. Nor shall any agency of County government participate in partnership on the side of one party in a disputed matter before an agency of the County or State, or Federal Government, when such participation may be perceived as "unfair". Officials determined to be responsible for violation shall be subject to penalties as perscribed in Section 10 - 5. Penalties.

Officer  
or

Sincerely submitted,

A handwritten signature in cursive script, appearing to read "J. Smith". The signature is written in dark ink on a light background.