

92-40

May 14, 1992

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

Subject: Recent actions of the Mayor related to concerns
expressed to the Commission on April 9, 1992
and my request for an amendment to Article 10,
Section 10 - 4(d).

Dear Mr. Nakasone and Members of the Commission,

On April 9, 1992, I expressed to you my concerns regarding our Mayor's expressed intention to establish a new form of government. And I submitted excerpts from the Mayor's State of the County Address. Today I bring to your attention two incidents related to those concerns. Recently, the Maui News reported that our Mayor testified in favor of a zoning application filed by C. Brewer. And it also carried an account of her comments given at a fundraiser for a religious political action group, who is actively pressing for the passage of a bill exempting churches from constructing road improvements in subdivisions they develop. The topic of her speech was "How to influence public policy." She complemented them for their work.

These actions, particularly the first, may pose a serious threat to confidence and trust in the integrity of our government. They seem to erode the idea of equal worth, equal dignity of each of us, which seems to be the idea underlying our constitutional democracy. All of us are created equal yet the Mayor seems to feel the stockholders of C. Brewer deserve special treatment.

Please give serious consideration to revising Article 10 as it relates to government partnerships with private interests. Please consider this amendment:

Be It Resolved, that Article 10, Section 4 (d) of the Maui County Charter be amended to read: Represent private interest in any action or proceeding against the interest of the county, or appear on behalf of private interests before any agency for any reason. Nor shall any agency of County government participate in partnership on the side of one party in a disputed matter before any agency of the County, State or Federal government, when such participation may be perceived by a ordinary, prudent citizen as unfair. Officials determined to be responsible for violation shall be subject to penalties as prescribed in Section 10 - 5 Penalties.

Sincerely submitted,





92-41

DEPARTMENT OF WATER SUPPLY
COUNTY OF MAUI
P.O. BOX 1109
WAILUKU, MAUI, HAWAII 96793-7109

May 21, 1992

Mr. Robert Nakasone, Chairman
Maui County Charter Commission
200 So. High Street
Wailuku, HI 96793

Attn: Ms. Sue Nakano, Secretary

Dear Mr. Nakasone:

Thank you for arranging a meeting with the Charter Commission on June 4, 1992, 4:00 p.m., at the Council Committee Room.

To continue the discussion on the advisability of having the Charter Commission recommend further autonomy for the Maui Board of Water Supply with regard to rule making, we will be having the water directors or their deputies from the City and County of Honolulu, Kauai County and Hawaii County to present their views on this matter.

The following will be here for this meeting:

Kazu Hayashida, Manager-Chief Engineer, City & County of Honolulu
Raymond Sato, Manager & Chief Engineer, Kauai County, or his
Deputy, Jeremiah Kaluna
William Sewaki, Manager, Hawaii County or his Deputy, George
Tengan

Sincerely,

David R. Craddick, Director

DRC/ao

LINDA CROCKETT LINGLE
Mayor



92-42
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 *[Signature]*

D A T E: June 8, 1992

SUBJECT: **GORO HOKAMA v. MAUI COUNTY BOARD OF ETHICS**

This is in response to a request from Mr. Dave DeLeon for a brief summary of the Hawaii Supreme Court's decision in Goro Hokama v. County of Maui.

The Court held that the Board of Ethics ("Board") erred in issuing an advisory opinion to Councilmember Goro Hokama, an employee of the Dole Company, a subsidiary of Castle & Cook, Inc. The opinion advised Mr. Hokama to refrain from voting on Council matters relating to Castle & Cook or its subsidiaries in order to avoid a conflict of interest. The advisory opinion had been requested by a third party.

Since the Board's Rules and Regulations provide that officers and employees can request advisory opinions pertaining to their own duties and responsibilities, the Court found the Board did not have the authority to render an advisory opinion requested by a former employee regarding actions of another employee. Thus, the advisory opinion was void.

The question of whether Mr. Hokama could vote on issues affecting the Dole Company was not addressed by the Court.

If you have any questions, please call me.

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IN THE SUPREME COURT OF THE STATE OF HAWAII

GORO HOKAMA,

Plaintiff-Appellant,

vs.

MAUI COUNTY BOARD OF ETHICS;
DAVID K. KEALA, Chairman;
GARY P. COLTON, Vice-
Chairperson; MARIA A. UEMORI,
Secretary; CLARENCE S. AGENA,
Member; ALEJANDRA AQUILIZAN,
Member; KEVIN L. L. BAPTIST,
Member; PAUL K. KANESHIRO,
Member; MAUREEN P. MARRS,
Member; and CHARLOTTE C.
NAKAMURA, Members of the
Maui County Board of Ethics,
COUNTY OF MAUI, HANNIBAL
TAVARES, as Mayor and Chief
Executive Officer of the
County of Maui,

Defendants-Appellees.

BRUNO AMBY, WALLACE
TAMASHIRO, and GORO HOKAMA,

Plaintiffs-Appellants,

vs.

MAUI COUNTY BOARD OF ETHICS;
DAVID K. KEALA, Chairman;
GARY P. COLTON, Vice-
Chairperson; MARIA A. UEMORI,
Secretary; CLARENCE S. AGENA,
Member; ALEJANDRA AQUILIZAN,
Member; KEVIN L. L. BAPTIST,
Member; PAUL K. KANESHIRO,
Member; MAUREEN P. MARRS,
Member; and CHARLOTTE C.
NAKAMURA, Members of the

CIV. NO. 90-0191(1)

APPEAL FROM THE DECISION
ON THE APPEAL FROM THE
MARCH 12, 1990 DELETED
OPINION OF THE MAUI COUNTY
BOARD OF ETHICS FILED
AUGUST 17, 1990

SECOND CIRCUIT COURT

CIV. NO. 90-0231(1)

APPEAL FROM THE FINDINGS
OF FACT; CONCLUSIONS OF
LAW; ORDER, FILED ON
AUGUST 27, 1990

SECOND CIRCUIT COURT

[Memorandum Opinion]

1991 NOV -6 PM 1:53
CLERK OF THE SUPREME COURT

Maui County Board of Ethics,)
COUNTY OF MAUI, HANNIBAL)
TAVARES, as Mayor and Chief)
Executive Officer of the)
County of Maui,)
)
Defendants-Appellants.)

MEMORANDUM OPINION

Plaintiff-appellant Goro Hokama (Hokama) appeals from a circuit court order dismissing his appeal from a Maui County Board of Ethics (Board) ruling (Hokama appeal). In a related action, plaintiffs-appellants Bruno Amby, Wallace Tamashiro, and Goro Hokama (Amby appellants) appeal from a circuit court decision dismissing their class action suit brought on behalf of the registered voters of Lanai for declaratory and injunctive relief (Amby appeal).

Both cases arise out of the Board's ruling which advised Hokama, an employee of the Dole Company, a subsidiary of Castle & Cooke, Inc. (Castle & Cooke), to refrain from voting as a councilmember on matters relating to Castle & Cooke or its subsidiaries in order to avoid a conflict of interest. The Board made its ruling as a result of a request for an advisory opinion filed by one Sally Raisbeck (Raisbeck), a former County of Maui employee.

We affirm the circuit court's dismissals in both cases. However, we find that the Board, in the first instance, lacked the authority to render an advisory opinion requested by a former

employee regarding the actions of another employee. Therefore, the advisory opinion is hereby rendered null and void.

I.

A. Hokama Appeal

Hokama resides on the island of Lanai. In addition to his employment with the Dole Company, he is also a member of the ILWU and is employed by the union to participate in contract negotiations between Dole and the ILWU.

Hokama was initially elected to the Board of Supervisors of the County of Maui in 1954. The Board of Supervisors was redesignated as the Maui County Council (Council) in 1969. Hokama has been re-elected to the Council every two years since 1954, and has served as Chairman of the Council over the years, most recently from 1988 to 1990. As the one member of the Council who is elected at-large to represent Lanai, Hokama has voted on matters affecting Castle & Cooke.

Castle & Cooke and its subsidiaries own ninety-eight percent of the land on Lanai. Thus, most people on Lanai are employed or in some way affected by Castle & Cooke's operations on the island.

The events which led to this appeal began when the Board received two letters from Raisbeck dated September 10, 1989, and October 9, 1989. Raisbeck, who had previously worked for a councilmember, was not a County of Maui employee at the

time her letters were written. In her letters, Raisbeck complained about Hokama's voting on matters involving Castle & Cooke and its subsidiaries, and requested an investigation. On October 25, 1989, Raisbeck wrote a third letter, which was accompanied by a formal written request for an advisory opinion from the Board "regarding whether Goro Hokama has a conflict of interest in voting on matters affecting Castle & Cooke." She stated her intent to withdraw the "complaint" previously filed, conditioned upon the granting of her request.

On November 2, 1989, the Board invited Raisbeck to present any additional information at a meeting on November 9, 1989 at 4:30 p.m. The Board invited Hokama on November 3, 1989, to appear at the same meeting at 4:45 p.m. "to provide additional information relative to several matters the Board will be considering." The meeting was postponed to November 20, 1989.

At the November 20 meeting, the Board asked Hokama if he had anything to say. Hokama made a statement, but did not have an opportunity to question Raisbeck because he had not been present at the time of her presentation.

Hokama received the Board's decision on December 14, 1989. Based upon § 10-4.1.c of the Revised Charter of the County of Maui, the Board's deleted opinions, and the Code of Ethics (Article 10 of the Charter), the Board determined that Hokama's employment with Dole Company was a "financial interest." The Board also advised Hokama that if matters relating to Castle &

Cooke or its subsidiaries came before the Council, he was to inform the Council of his employment and refrain from voting on the matters.

Hokama was further advised on March 12, 1990 that the Board had concluded its proceedings regarding Raisbeck's inquiry, and that Deleted Opinion No. 89-14 had been approved for placement in the Board's files for public inspection. Accordingly, Hokama has since refrained from voting on matters before the Council relating to Castle & Cooke or its subsidiaries.

Hokama appealed the Board's decision to the circuit court, which dismissed the appeal on August 27, 1990 based on its finding that the Board's ruling was an advisory opinion and not a final decision in a contested case. Consequently, the court held that it lacked jurisdiction under Hawaii Revised Statutes (HRS) § 91-14 to review the advisory opinion.

B. Amby Appeal

The complaint filed by the Amby appellants challenges the Board's ruling regarding Hokama and is based on the facts set forth above. Amby appellants claim that Hokama has been deterred from representing the interests of the Lanai constituency because he has refrained from voting on matters relating to Castle & Cooke or its subsidiaries.

On August 27, 1990, the circuit court held that the Board's deleted opinion was an advisory opinion, not a finding of a violation of the Maui County Code of Ethics upon a complaint or investigation, and that the advisory opinion had no legal force or effect. The court dismissed the complaint based on the lack of justiciable controversy and the appellants' failure to establish a separation of powers violation.

II.

While we agree that the circuit court properly dismissed both cases, the dispositive issue here is whether the Board was authorized in issuing an advisory opinion regarding Hokama's alleged conflict of interest at the request of Raisbeck. Rule 1.2(a) of the Board's Rules and Regulations defines "advisory opinion" as "an opinion rendered by the Board pursuant to a request by any officer or employee, or former officer or employee, as to whether or not the facts and circumstances of a particular case violate or will violate the standards of conduct prescribed by Article 10."

Rule 5.1(a) of the Rules and Regulations states that "[a]dvisory opinions may be requested by officers or employees to assist them in the proper performance of their official duties and responsibilities in accordance with Article 10." (Emphasis added.)

Based upon the foregoing, it is clear that the Board is authorized to accept requests for advisory opinions from officers or employees, or former officers or employees, regarding only their own particular duties and responsibilities. Therefore, we find that the Board erred in accepting Raisbeck's request for an advisory opinion on Hokama's possible conflict of interest in the first instance.

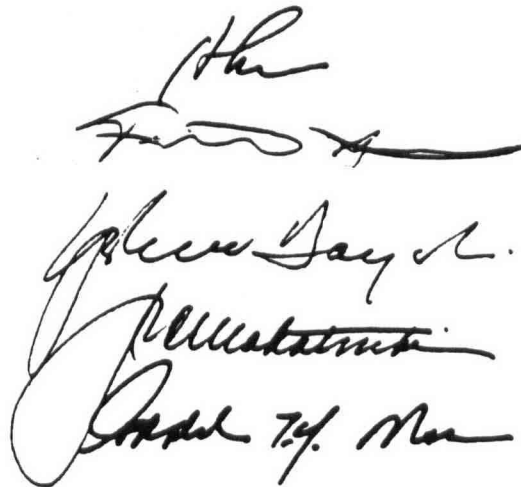
Accordingly, we affirm the circuit court's dismissals on the ground that the Board was not authorized to issue the advisory opinion in question and therefore the advisory opinion is null and void.

DATED: Honolulu, Hawaii, November 6, 1991.

Herbert Takahashi (Stanford H. Masui and Danny J. Vasconcellos with him on the brief of Takahashi & Masui) for plaintiffs-appellants

Steven Christensen, Assistant Corporation Counsel (Joseph K. Kamelamela with him on the brief in No. 14813) for defendants-appellees Maui County Board of Ethics and the individual members of the Maui County Board of Ethics

Guy P. D. Archer, Deputy Corporation Counsel, for defendants-appellees County of Maui and Hannibal Tavares





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

July 9, 1990

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Honorable Goro Hokama, Chairperson
Maui County Council
200 South High Street
Wailuku, Maui, Hawaii 96793

Re: Proposed Deleted Opinion 90-3

Dear Chairperson Hokama:

Pursuant to the Rules and Regulations of the Maui County Board of Ethics, we are providing you with a proposed deleted opinion in the above-referenced matter. A deleted opinion acts as the official, published version of the Board's decision, but with all references to the names of individuals deleted.

Should you have any comments or wish to recommend clarification of any facts contained in this proposed opinion, the Board requests that you notify it in writing within ten (10) days of receiving this letter. The Board will consider your comments or recommendations and, if necessary, take action on them within ninety (90) days. Should the opinion appear acceptable to you as drafted, it will become the official, published opinion.

Should you have any questions about this matter, please contact me at your convenience.

Very truly yours

A handwritten signature in cursive script, reading "Paul L. Horikawa".

PAUL L. HORIKAWA
First Deputy Corporation Counsel
for the Board of Ethics
of the County of Maui :

PLH:yh
Enclosure
ETH3F-zd-yh

PROPOSED DELETED OPINION 90-3

On February 7, 1990, the Maui County Board of Ethics (hereafter referred to as "Board of Ethics") received a request for an advisory opinion. The letter to the Board of Ethics requested clarification as to whether an elected official could chair meetings of the Maui County Council and its committees on matters pertaining to a corporation, or its subsidiaries. The elected official further requested clarification as to whether he could participate in discussions on matters pertaining to the corporation, or its subsidiaries that employ the elected official. This deleted opinion addresses the latter question only.

On February 22, 1990, the elected official appeared before the regularly scheduled meeting of the Board of Ethics. He stated that on October 6, 1989, the Corporation Counsel had rendered an opinion that another elected official could participate in the discussion of matters relating to property owned by a member of the public. The elected official reminded the Board of Ethics that it had rendered an opinion that the other elected official would violate the Maui County Code of Ethics (hereafter "Code of Ethics") if the other official voted on matters relating to property owned by a member of the public.

The elected official informed the Board of Ethics that the Chairperson of the Maui County Council (hereafter "County Council") cannot participate in the discussion of matters pending before the County Council unless the Chairperson steps down. The elected official also stated that the Chairperson of the County Council's standing committees can make recommendations regarding matters pending before said standing committees.

The elected official testified that the Chairperson of the County Council is responsible for setting the Agenda for the County Council. The Chairperson of the County Council is also responsible for transmitting communications to the members of the County Council.

The Board of Ethics is unaware of any provision of the Code of Ethics which prohibits a county officer or employee from participating in the discussion of matters pending before the County Council. The Board of Ethics notes that Section 10-4(1)(f) of the Code of Ethics, as it was originally

promulgated, prohibited county officers and employees from participating in the discussion of a matter in which said county employees or officers have a financial interest. However, that provision of the Code of Ethics was amended and does not currently prohibit county officers or employees from participating in the discussion of matters in which said county employees or officers have a financial interest.

Based upon the foregoing, the Board of Ethics concluded that the elected official's participation in the discussion of matters pertaining to a corporation, or its subsidiaries that employ the elected official would not violate the Code of Ethics.

OPS1-26-a-yh

STATUS REPORT OF COUNCIL'S APPROPRIATIONS AS OF JANUARY 16, 1992

92-43

DEPARTMENT	APPROPRIATION	STATUS
Office of the Mayor		
Maui County Farm Bureau	2,000	implemented
Maui Economic Development Board	30,000	implemented \$15,000
Destination Molokai Association	75,000	implemented
Maui Motion Picture Coordinating Committee	25,000	pending further review
Maui Visitors Bureau	500,000	implemented
Ka Molokai Makahiki	12,000	implemented \$10,000
Molokai Fishpond Project	100,000	pending further review
Maui Flower Growers Association Promotion	25,000	implemented
West Maui and Molokai Taro Farmers Assoc	72,000	pending, still have funds from last year
Kamalama Fishpond Project	50,000	implemented
Molokai Aquaculture Training Program	75,000	pending further review
Molokai Backyard Aquaculture Project	50,000	pending further review
Molokai Catfish Project	15,000	pending further review
Molokai Finfish Seed Production Project	62,500	pending further review
Molokai Fishpond, Manager	10,000	pending further review
Molokai Ice House for Fishing Industry	75,000	pending further review
Molokai Limu Project	35,000	pending further review
Molokai O'opu Project	15,000	pending further review
Molokai Shrimp Seed Production Project	50,000	denied
Molokai Slaughterhouse, Operations	70,000	pending further review
Molokai Tropical Fish Program	30,000	pending further review
Molokai Windbreak Project	6,000	pending further review
Wailuku Main Street Association Conference	110,000	pending further review
Department of the Corporation Counsel		
Deputy Corporation Counsel	29,845	pending, filling existing positions first
Desk	440	pending
Executive Chair	325	pending
Department of Finance		
RPT Consultant	25,000	didn't hire consultant to implement RPT relief bill
RPT Assessment & Tax Relief Study	50,000	pending discussion with Mayor
RPT Equipment	43,290	pending space availability for mapping equipment
RPT Circuit Breaker Program	8,000	pending dev. of acctg. system & review of applicants

STATUS REPORT OF COUNCIL'S APPROPRIATIONS AS OF JANUARY 16, 1992

DEPARTMENT	APPROPRIATION	STATUS
Department of Planning		
Planner V, Long Range Planning	21,912	pending, filling existing positions first
Clerk Typist III, Long Range Planning	12,456	pending, filling existing positions first
Desk	440	pending
Executive Chair	325	pending
Desk w/ return	650	pending
Steno Chair	290	pending
(2) pcs & (1) printer	10,000	pending
File cabinet	320	pending
Department of Police		
Sergeant, W. Maui Crime Reduction Unit	22,976	pending, need to hire and train
Police Officer II, W. Maui Crime Reduction Unit	18,832	pending, need to hire and train
Police Officer II, W. Maui Crime Reduction Unit	18,832	pending, need to hire and train
Firearms Replacement, Phase I	60,000	?
Equipment for Police Box, Lahaina	3,200	port. radio contract will include one for Koban
Vehicle, W. Maui Crime Reduction Unit	18,500	pending
Mobile Radio, W. Maui Crime Reduction Unit	3,000	processing contract
Portable Radio, W. Maui Crime Reduction Unit	2,500	processing contract
Department of Fire Control		
Fire Fighter I, Kahului	16,600	processing papers
Fire Fighter I, Molokai	16,600	processing papers
Meal Allowance	702	pending
Uniform Allowance	400	pending
Department of Human Concerns		
Transportation Services	460,000	implemented
Child Care Program	20,000	implemented
Community Development Corporation	150,000	pending, contracting Marvin Awai
Homeless Shelter Grant	75,000	implemented, Maui Catholic Charities
Lae 'Ula O Kai Program	8,000	pending, discussion with Parks
MEO Headstart Summer Pilot Program, Molokai	40,000	implemented contract
Maui Youth & Family Services, Maui & Molokai	112,420	implemented
Spay-Neuter Program	40,000	implemented contract with Maui Humane Society

STATUS REPORT OF COUNCIL'S APPROPRIATIONS AS OF JANUARY 16, 1992

DEPARTMENT	APPROPRIATION	STATUS
Department of Parks & Recreation - Gen. Fund		
Qualified Rehabilitation Facilities	359,835	implemented
Lahaina Restoration Foundation	41,500	implemented
Lanai Recreational Facilities, R & M	100,000	haven't started
Moku-ula Restoration, Lahaina	100,000	pending further review
Paia Community Center, refrig & stove	1,400	implemented
Department of Parks & Recreation - Golf Fund		
Waiehu Golf Course, 2 yr Master Plan	100,000	haven't started
Department of Public Works - Gen. Fund		
Maunaloa Cemetery Maintenance	3,000	pending purchase of equipment
Seaweed Removal Program	100,000	cleaned Kahului Harbor & will use funds as needed
Department of Public Works - Sewer Fund		
Wainee St. Sewer, between Dickenson & Shaw	100,000	Corp. Counsel deemed not maintenance type job
Department of Public Works - Solid Waste Mgt. Fund		
Molokai Recycling/Composting Program	77,000	pending development of goals/implementation
Capital Improvement Projects		
Hana Community Center Renovations	50,000	ongoing project
Iao Theater Acquisition	650,000	pending in court
Kahului Park behind Maui High	50,000	land owned by State, threatening to take back
War Memorial Pool Removable Shading	50,000	pending development of specifications
Drainage at Front Street and Shaw Street	101,380	haven't started
Luakini Street Drainage, b/w Hale & Prison	145,000	haven't started
Napili Fire Station	20,000	implemented
Police Box on Front Street	20,000	working with Kiwani's, community svc. project
Police Station Roof Improvements	100,000	pending development of scope of work
Lanai Gym Improvements	250,000	haven't started
Kaunakakai Gym Parking Lot	21,000	haven't started
Skateboard Park, Molokai	50,000	hired coordinator
Skateboard Park, County-wide	100,000	hired coordinator

STATUS REPORT OF COUNCIL'S APPROPRIATIONS AS OF JANUARY 16, 1992

DEPARTMENT	APPROPRIATION	STATUS
Paia Road Improvements	100,000	haven't started
Makawao Road Improvements	200,000	haven't started
Baldwin Avenue Improvements	500,000	pending, contract consultant
Makawao Avenue Sidewalks	80,000	pending, \$ will relocate utility poles
Waiale Road/Mahalani St/Eha St Design	300,000	pending, contract consultant
Lahainaluna Road Shoulder Swales	110,000	haven't started
Lanai Road Improvements	300,000	haven't started
Molokai Road Improvements	550,000	haven't started
Molokai Misc Roads	279,600	haven't started
Maul Community Arts & Cultural Center	1,000,000	pending bond authorization
S. Maui Beach Acquisition/Development	1,400,000	pending bond authorization
Kihei Town Road Improvements	2,000,000	pending bond authorization
Kihei WWRP Odor Control Improvements	75,000	pending bond authorization
Honolua Watershed Project	250,000	pending bond authorization
Central Maui Office Building, Kihei Parks	1,400,000	pending bond authorization
Development, Napili Regional Park,		
Waiehu Sewer Plant/Transmission Lines		
Composting/Recycling Facility, Lahaina	11,000,000	pending bond authorization
WWRP Expansion, Wailuku-Kahului WWRP		
Expansion		

92-44

26 June 1992.

Maui Charter Commission
Post Office Box 307
Kahului, Maui, Hawaii 96732

SUBJECT: PROPOSALS FOR CHARTER AMENDMENT CONSIDERATION

Dear Members of the Maui Charter Commission:

As follow-up to my verbalized comments to Lloyd Yonenaka on 25 June 1992 in Hana regarding the issue of certain boards and commissions of the County of Maui not being covered by the County Charter, I have enclosed for the Commission's review the following:

- A) A listing entitled BOARDS, COMMISSIONS AND COMMITTEES COUNT OF MAUI, a 15 paged document; and,
- B) An Analysis prepared by myself to assist in the determination of which Boards and Commissions are currently covered and which Boards and Commissions are not currently covered by the Maui County Charter.


While I offer these only for the Commission's insight and reference, I also ask that the Commission give consideration to having the Cultural Resources Commission and the Commission on Culture and the Arts included within the coverage of the Maui County Charter.

With regards to the Cultural Resources Commission, the residents of Hana are very concerned with preserving the evidences of the cultural heritages which still remain, much within areas which have not yet been disturbed by development or cultivation of large scale agricultural endeavors. While alot of these lands no longer belong to the residents with ancestral ties to the Hana District, the evidences of their ancestors are still there. With this commission being covered by the County Charter, its continuance will be controlled by the electorate.

With regards to the Commission on Culture and the Arts, given the exhibited sensitivites of the residents of the County, coverage of this commission by the County Charter with electorate control over its continuance appears most appropriate.

Mahalo for the opportunity to offer these evidences and comments for the Commission's consideration.

Respectfully submitted,


Bill Fuhrmann
Post Office Box 183
Hana, Maui, Hawaii 96713

ANALYSIS

For: The Maui County Charter Commission

From: Bill Fuhrmann 

Date: 26 June 1992

Subject: BOARDS, COMMISSIONS AND COMMITTEES, COUNTY OF MAUI

=====

From the List of Boards, Commissions and Committees, County of Maui, a copy of which is attached hereto, I have compiled the the following lists.

List A) Those boards and commissions which are covered currently by the Maui County Charter with reference of coverage.

- 1) Civil Service Commission (Section 8-9.4)
- 2) Cost of Government Commission (Section 8-14.2)
- 3) Board of Ethics (Section 10-2)
- 4) Liquor Control Commission (Section 8-13.2)
- 5) Liquor Control Adjudication Board (Section 8-13.3)
- 6) Maui Planning Commission (Section 8-8.4.1)
- 7) Molokai Planning Commission (Section 8-8.4.2)
- 8) Police Commission (Section 8-12.2)
- 9) Public Safety Commission (Section 8-7.4)
- 10) Salary Commission (Section 3-5)
- 11) Board of Variances and Appeals (Section 8-5.4)
- 12) Board of Water Supply (Section 8-11.3)

List B) Those boards and commissions which are not covered currently by the Maui County Charter with reference to denote location within the List of Boards, Commissions and Committees, County of Maui.

- 1) Board of Code Appeals (Page -3-)
- 2) Cultural Resources Commission (Page -4-)
- 3) Commission on Culture and the Arts (Page -5-)
- 4) Maui County Commission on Persons with Disabilities (Page -9-)
- 5) Police Officer, Firefighter and Bandperson Pension Board (Page -10-)
- 6) Street Naming Commission (Page -12-)
- 7) Real Property Tax Review Board (Page -13-)
- 8) Urban Design Review Board (Page -14-)

As the remainder of these "groups" are termed committees, councils, and in one case, agency, I offer no suggestions for inclusion under the County Charter.

BOARDS, COMMISSIONS AND COMMITTEES

COUNTY OF MAUI

AFFIRMATIVE ACTION ADVISORY COUNCIL:

Advises and assists the Mayor on all phases of the County's Equal Employment Opportunity (EEO) program, based on federal guidelines and requirements.

Advises and assists the Mayor in reaching the County's affirmative action goals and objectives concerning race, sex, religion, handicap, etc. in employment, and to take affirmative action in correcting past discrimination.

Meets once a year to review the County's EEO report, required by the federal government. The report includes a form on the County's employment statistics which is submitted to the federal government.

Membership (appointed by the Mayor and confirmed by the County Council):

7 members:

4 members representing the community; and
3 members representing the County government.

2 ex-officio members (Equal Employment Coordinator and Director of Personnel Services).

COUNCIL ON AGING:

Meets at least bi-monthly and advises the County Executive Office on Aging on all matters relating to the development and administration of the area plan and operations conducted thereunder.

The area plan is a document which sets forth goals and measurable objectives and identifies the planning, coordination, administration, social services and evaluation activities to be undertaken to carry out the purpose of the Older Americans Act of 1965.

Membership (Appointed by the Mayor and confirmed by the County Council):

9 members representing older individuals, participants of senior citizens programs, local elected officials, and the general public, including low income and older minority persons.

MAUI COUNTY ARBORIST ADVISORY COMMITTEE:

Prepares for recommendation to the Mayor and County Council a landscape planting plan which serves as a guide for the care, preservation, pruning, planting, replanting, removal and disposition of planted material in the County.

Serves as a reviewing body for any landscape planting in public parks and street beautification programs.

Reviews and makes recommendations to the Director of Planning proposals that have been reviewed by the Maul County Arborist Advisory Committee Coordinator and found to be inconsistent with the landscape planting plan.

Researches, prepares, and recommends exceptional trees to be protected and appropriate protective ordinances, regulations, and procedures to the Mayor and the County Council.

Reviews and comments on any rules and regulations of executive agencies governing the planting, replanting, removal and disposition of park and street trees and plantings in the County.

Identifies to the Director of Parks and Recreation any areas within the County where there are no abutting owners to maintain street trees and where the County should maintain or beautify.

Promulgates rules and regulations, after consultation with the Department of Public Works and the Department of Parks and Recreation, for the following:

- Practice and procedures for the committee.

- Exceptional trees.

- Approval of landscape planting proposals.

- Planting and care of trees and landscape planting in public parks and streets, including irrigation systems for street trees.

Membership (Appointed by the Mayor and with notice to, but without approval by, the County Council):

- 9 members with professional or other interest in landscape beautification.

- 5 ex-officio members (Arborist, Coordinator, Director of Parks and Recreation, Director of Public Works, Director of Planning or their designees).

CIVIL SERVICE COMMISSION:

Adopts rules to carry out the provisions of the Civil Service laws of the State.

Requests an annual appropriation for the operation of the department.

Hears appeals by any officer or employee aggrieved by any action taken by the Director of Personnel Services or by an appointing authority (department head).

Advises the Mayor and Director of Personnel Services on problems concerning administration.

Membership (Appointed by the Mayor and confirmed by the County Council):

- 5 members.

BOARD OF CODE APPEALS:

Hears and determines appeals from the decisions of the "building official" in the administration of the Building Code, Plumbing Code, Electrical Code and Housing Code, and from any order made by the Fire Chief in the administration of applicable State law (i.e. Chapter 132, HRS) and the Fire Code relating to matters involving any denial of the use of new or alternate materials, types of construction, equipment, devices or appliances.

May reverse, affirm or modify the decision appealed from. May grant exceptions relating to any matter within its jurisdiction, subject to certain findings.

Adopts rules and regulations for conducting its meetings, hearings, and investigations.

Membership (Appointed by the Mayor and confirmed by the County Council):

7 members who shall be qualified by experience and training to pass upon matters pertaining to building construction and fire safety.

1 member shall be a currently registered engineer or architect with the State of Hawaii, Board of Registration of Professional Engineers, Architects, Land Surveyors and Landscape Architects.

1 member shall be qualified by experience and training to pass upon matters relating to electrical work.

1 member shall be qualified by experience and training to pass upon matters relating to plumbing work.

1 member shall be qualified by experience and training to pass upon matters relating to building construction.

1 member shall be qualified by experience and training to pass upon matters relating to fire safety.

COST OF GOVERNMENT COMMISSION:

Helps the County obtain its policy of promoting economy, efficiency and improved service to the public by performing the following functions:

Study and investigate the organizations and methods of operations of all departments, commissions, boards and other instrumentality of all branches of the County government and determine what changes, if any, may be desirable to accomplish the above-mentioned policy.

Secure directly from any department, commission, board or office of any individual officer or employee of the County, information, suggestions, estimates and statistics necessary to carry out its duties.

Submit a report of its findings and recommendations to the Mayor and Council.

Membership (Appointed by the Mayor and confirmed by the County Council, biennially):

9 members.

CULTURAL RESOURCES COMMISSION

Works for the preservation of the County's historic and cultural resources through the following functions:

Advise and assist federal, state and county agencies in carrying out their historic preservation responsibilities.

Administer the provisions of the County's historic districts and advise the Mayor, Council and County Planning Commissions on the establishment of historic districts and their regulation.

Provide public information, education, training and technical assistance on national, state and county historic preservation programs.

Initiate, accept, review and recommend to the state historic preservation officer, historic properties nominations for inclusion on the Hawaii and national registers of historic places.

Maintain a system for the survey, inventory and nomination of historic properties and archaeological sites within the County.

Administer the certified local government program of federal assistance for historic preservation within the County.

Provide design review for projects affecting any building or structure, site or district eligible for listing on the national or Hawaii register of historic places.

Develop and implement a comprehensive county-wide historic preservation planning process.

Make recommendations on the use of gifts and grants associated with historic and cultural preservation.

May review and comment on archaeological reports submitted as part of development proposals to various County agencies.

Membership: (Appointed by the Mayor and confirmed by the County Council):

9 members with professional or persons with special interest in architecture, history, archaeology, planning, architectural history, Hawaiian culture, ethnic history and culture of Maui County (1 from the Island of Lanai and 1 from the Island of Molokai).

COMMISSION ON CULTURE AND THE ARTS

Objectives Include:

Assisting the County in the preservation of the artistic and cultural heritages of all its people;

Promoting a community environment which provides equal and abundant opportunity for exposure to culture and the arts in all its forms;

Encouraging and providing equal opportunity for the development of cultural and artistic talents of the people of the County.

Makes recommendations, provides advice and assists County departments or agencies authorized to expend funds for the acquisition of works of art by the County; in the evaluation, selection, and commissioning of artists and craftsmen and in the evaluation and review of works in progress; in the evaluation, selection and purchase of works of art not specifically commissioned by the County; and in the acceptance of works of art offered as gifts to the County.

Makes recommendations and submits proposals to the various branches, departments, agencies and officers of the County with respect to the formulation of new arts and culture programs and expansion of existing programs in the development of the County's program for the preservation, advancement and dissemination of culture and the arts to its citizens.

Meets at least once each calendar quarter.

Membership (Appointed by the Mayor and confirmed by the County Council):

9 members.

1 ex-officio member.

BOARD OF ETHICS:

Initiates, receives, hears and investigates complaints of violations.

Initiates impeachment proceedings against elected officials and officers appointed to elective office who have been found in violation of the Code of Ethics of the County.

Renders advisory opinions within 30 days.

Prescribes forms for disclosure and examines disclosure statements filed and to comment on or advise corrective action on any matters which may indicate a conflict of interest.

Membership (Appointed by the Mayor and confirmed by the County Council):

9 members.

MAUI COUNTY GRANTS REVIEW COMMITTEE:

Adopts rules and regulations for processing, qualifying, awarding, monitoring and evaluating grants of funds and real property.

Advertises the availability of funds to be allocated for the Grants Program and solicits requests (applications).

Reviews applications and prepares written findings and recommendations.

Transmits written recommendations to the Mayor for allocations of part or all of any appropriation.

Transmits requests for grants of real property, including concessions at less than fair market value, to the County Council.

Membership (Appointed by the Mayor and confirmed by the County Council):

9 members.

HANA ADVISORY COMMITTEE TO THE PLANNING COMMISSION:

Advises the Maui Planning Commission on matters within its jurisdiction and carries out duties delegated to it by the Maui Planning Commission.

Membership (Appointed by the Mayor and confirmed by the County Council):

7 members, residents of the Hana district.

To be eligible for appointment, a person must be a resident of the Hana district for at least 90 consecutive days immediately preceding the appointment by the Mayor.

KULA AGRICULTURAL PARK COMMITTEE:

Serves as an advisory group to the County on all matters pertaining to the agricultural park.

Reviews and recommends lease rentals, lease tenure, lease restrictions, application forms, lot alignments, lot sizes and supplementary selection procedures.

Participates in the lessee selection process.

May recommend other regulations pertaining to the administration of the agricultural park by the Office of Economic Development.

May recommend improvements to be made to the agricultural park.

Membership (1 member appointed by the County Council, 1 member appointed by the Mayor and 9 members appointed by the Mayor and confirmed by the County Council):

- 2 representatives from the agricultural banking community.**
- 1 representative from the Maui County Farm Bureau.**
- 1 representative from the Maui Association of Nurserymen.**
- 1 representative from the Maui Produce Processing Co-op.**
- 1 representative from the Tenants Association of Kula Agricultural Park.**
- 1 representative from the University of Hawaii Extension Service.**
- 2 representatives from the general public.**
- 1 representative from the Office of the Mayor.**
- 1 representative from the County Council.**

LANAI ADVISORY COMMITTEE TO THE PLANNING COMMISSION:

Advises the Maui Planning Commission on matters within its jurisdiction and carries out duties delegated to it by the Maui Planning Commission.

Membership (Appointed by the Mayor and confirmed by the County Council):

7 members, residents of the Lanai district.

To be eligible for appointment, a person must be a resident of the Lanai district for at least 90 consecutive days immediate preceding the appointment by the Mayor.

LIQUOR CONTROL COMMISSION:

Prepares and submits a request for an annual appropriation for the operation of the department.

Adopts rules and regulations having the force and effect of law for the administration of liquor control in the County and to carry out provisions of the liquor control laws of the State, including but not limited to the fixing of liquor license fees.

Grants, renews or refuses applications for licenses for the manufacture, importation and sale of liquor in the County.

Membership (Appointed by the Mayor and confirmed by the County Council):

9 members.

LIQUOR CONTROL ADJUDICATION BOARD:

Hears and determines administrative complaints of the Director of Liquor Control regarding violations of the liquor control laws of the State or of rules of the Liquor Control Commission, and imposes penalties for violations.

Membership (Appointed by the Mayor and confirmed by the County Council):

9 members.

MAUI PLANNING COMMISSION:

Concerned with the area encompassing the Islands of Maui, Lanai and Kahoolawe and all other Islands lying within three nautical miles of the shores thereof, and the waters adjacent thereto.

Advises the Mayor, County Council, and Planning Director in matters concerning planning programs.

Reviews the general plan and revisions thereof prepared by the Planning Director or at the request of the County Council, and after public hearings, transmits findings and recommendations to the County Council for consideration and action.

Reviews other proposed land use ordinances and amendments prepared by the Planning Director or by the County Council, and after public hearings, transmits findings and recommendations to the County Council for consideration and action.

Acts as the authority in all matters relating to the Coastal Zone Management Law.

Adopts rules pursuant to land use ordinances or law.

Membership (Appointed by the Mayor and confirmed by the County Council):

9 members.

2 ex-officio members (Director of Public Works and Director of Water Supply).

MOLOKAI PLANNING COMMISSION:

Concerned with the area encompassing the Island of Molokai and all other islands lying within three nautical miles of the shores thereof, and the waters adjacent thereto, except that portion of the area known as the Kalaupapa Settlement.

Advises the Mayor, County Council, and Planning Director in matters concerning planning programs.

Reviews the general plan and revisions thereof prepared by the Planning Director or at the request of the County Council, and after public hearings, transmits findings and recommendations to the County Council for consideration and action.

Reviews other proposed land use ordinances and amendments prepared by the Planning Director or by the County Council, and after public hearings, transmits findings and recommendations to the County Council for consideration and action.

Acts as the authority in all matters relating to the Coastal Zone Management Law.

Adopts rules pursuant to land use ordinances or law.

Membership (Appointed by the Mayor and confirmed by the County Council):

9 members.

2 ex-officio members (Director of Public Works and Director of Water Supply).

NAPILI BAY CIVIC IMPROVEMENT DISTRICT ADVISORY COMMITTEE:

Renders advice on the civic improvement district which was established for the purpose of encouraging, securing and maintaining the orderly and harmonious appearance, attractiveness and aesthetic development of structures and developments in the district in order that the most appropriate use and value be determined and protected and that the public health, safety and general welfare be preserved.

Reviews plans for new buildings and structures or for the remodeling of the exterior of any building or structure submitted to the Planning Director.

Transmits findings to the Board of Variances and Appeals which shall take the necessary and appropriate action. Actions of the Board shall then be transmitted to the County Council for approval.

Membership (Appointed by the Mayor and confirmed by the County Council):

5 members:

1 member from the Maui Planning Commission.

4 members who are residents of the County.

1 ex-officio member (Director of Planning).

MAUI COUNTY COMMISSION ON PERSONS WITH DISABILITIES:

Assists the County in rendering services to persons with disabilities by performing the following duties:

Reviews County policies and practices to determine their impact on persons with disabilities;

Recommends use of monies received from federal and state governments designated for programs and improved accessibility for persons with disabilities;

Recommends changes to policies and practices that do not meet the requirements of federal, state, or county law;

Reviews County program and facility access to determine their impact on persons with disabilities and recommends changes and additions to ensure full availability of services to persons with disabilities;

Promotes housing, employment, transportation and other activities which address the needs of persons with disabilities; and

Educates providers of community services and other members of the community concerning non-discriminatory practices and laws regarding persons with disabilities.

Membership: (Appointed by the Mayor and confirmed by the County Council):

9 members; balanced geographic representation

Meets at least once each month.

POLICE OFFICER, FIREFIGHTER AND BANDSPERSON PENSION BOARD:

The pension system for police officers, firefighters and bandsmen shall be governed and managed by a Board of Trustees, pursuant to Section 88-153, Hawaii Revised Statutes.

The Board may take by gift, grant, devise or bequest any money, personal property, real estate, or any interest in anything of value and shall hold or assign, transfer or sell whenever proper or necessary.

Membership (Appointed by the Mayor and confirmed by the County Council):

3 members.

Attached to the Department of Finance. The Director of Finance shall be ex-officio secretary and treasurer of the Board.

POLICE COMMISSION:

Prepares and submits to the Mayor a request for an annual appropriation for the operation of the department.

Receives, reviews and investigates charges brought forth by the public against the conduct of the department or any of its members and submits a written report of its findings and recommendations to the Chief of Police for his disposition.

Membership (Appointed by the Mayor and confirmed by the County Council):

9 members.

MAUI REDEVELOPMENT AGENCY:

Undertakes and carries out urban renewal projects and related activities authorized by Chapter 53 (Urban Renewal Law), Hawaii Revised Statutes; to make and execute contracts and other instruments necessary or convenient to exercise its powers; to sue and be sued; to have a seal; to exercise all powers necessary, incidental, or convenient to carry out and effectuate the purposes and provisions of the Urban Renewal Law.

Makes, amends, and repeals rules and regulations not inconsistent to carry into effect its powers and purposes.

Appoints a manager and deputy manager to administer the affairs of the agency, subject to the direction and approval of the agency.

Makes preliminary surveys, studies, and plans to identify redevelopment areas; provided that the studies and initial determination of what areas are blighted as determined by the Planning Commission(s); to make redevelopment plans for areas.

Assists and cooperates with other local agencies within the State and to contract for professional services with the other local agencies in carrying out its duties.

Establishes and operates a central relocation office for the relocation of families, individuals, businesses, and nonprofit organizations displaced by any governmental action.

Prepares a general neighborhood renewal plan for urban renewal area.

Membership (Appointed by the Mayor and confirmed by the County Council):

5 members, who shall be outstanding and public-spirited citizens and who shall have resided in the County for at least three years immediately preceding their appointment.

PUBLIC SAFETY COMMISSION:

Reviews the operations of the Department of Fire Control and the Civil Defense Agency.

Makes recommendations for changes which may be desirable to improve performance of emergency functions and the provision of public safety services.

Receives and investigates complaints brought forth by the public against the conduct of the Department of Fire Control and Civil Defense Agency or any of its members and submits a written report of its findings and recommendations to the Fire Chief and Civil Defense Administrator for their disposition.

Membership (Appointed by the Mayor and confirmed by the County Council):

9 members.

SALARY COMMISSION:

Determines the compensation of elected officials, department heads and first deputies or first assistants of all County departments.

Membership (Appointed by the Mayor and confirmed by the County Council):

9 members.

STREET LIGHTING COMMITTEE:

Serves as an advisory committee to the Department of Public Works.

Receives all matters pertaining to street lighting presented to or pending before the Department of Public Works for investigation, survey, advice and recommendation.

Membership (Appointed by the Mayor and confirmed by the County Council):

9 members.

2 ex-officio members (Chief of Police designee and Director of Public Works designee).

STREET NAMING COMMISSION:

Receives and reviews matters pertaining to the naming of public highways (public streets, roads, alleys, lanes and ways) when transmitted by the County Council.

Names and designates all public highways within the County according to districts or localities for submittal to the County Council. The County Council may adopt, reject or modify such names.

Advises and assists subdividers who desire to name roads within a subdivision in the County.

Membership (Appointed by the Mayor and confirmed by the County Council):

9 members.

1 ex-officio member (Land Surveyor and Right-of-Way Agent of the County).

SUBDIVISION ENGINEERING STANDARDS COMMITTEE:

Reviews all engineering standards and specifications relating to subdivisions which are adopted and kept on file by the Department of Public Works and the Department of Water Supply.

Reviews proposed modifications, deletions, or additions to such existing engineering standards and specifications, and transmit the same with recommendations thereon to the respective departments.

Proposes the adoption of specifications and standards where none existed before and transmit the same with recommendations thereon to the respective departments.

Membership (Appointed by the Mayor and confirmed by the County Council):

9 members:

Not less than 3 members shall be registered professional engineers.

3 ex-officio members (Planning Director, Director of Public Works and Director of Water Supply).

REAL PROPERTY TAX REVIEW BOARD:

Hears all disputes between the director and any taxpayer in all cases in which appeals have been filed by a taxpayer.

Holds public meetings not later than June 1st of each year and shall hear, as speedily as possible, all appeals presented for each year.

Has the power and authority to decide all questions of law necessary to the determination of the objections raised by the taxpayer or the County in the notice of appeal.

Has the power to allow or disallow exemptions pursuant to law whether or not previously allowed or disallowed by the director and to increase or lower any assessment.

Membership (Appointed by the Mayor and confirmed by the County Council):

5 members, who shall be citizens of the State and residents of the County, having resided in the State for at least three years at the time of appointment.

TRAFFIC SAFETY COUNCIL:

Advises or assists the County Council in all matters relating to traffic safety.

Makes recommendations to the County Council on all traffic safety measures referred to it.

Prepares and recommends traffic safety programs for adoption by the County Council.

Membership (Appointed by the Mayor and notice to, but without approval by, the County Council):

9 members.

5 ex-officio members (Mayor, Chief of Police, Prosecuting Attorney, Corporation Counsel, Director of Public Works, or their designated representatives).

URBAN DESIGN REVIEW BOARD:

Advises the appropriate Planning Commission on matters within the jurisdiction of the Planning Commission and carries out duties as delegated to it by the appropriate Planning Commission.

Reviews and advises the Planning Department on design related matters involving projects within the County.

Membership (Appointed by the Mayor and confirmed by the County Council):

9 members and 4 alternates:

2 registered architects;

1 registered landscape architect;

2 registered civil engineers; and

5 persons with interest or experience in urban planning, fine arts, beautification, conservation, or historic preservation (1 from the island of Lanai and 1 from the island of Molokai).

4 alternate members shall consist of 2 registered architects, 1 registered landscape architect and 1 registered civil engineer.

BOARD OF VARIANCES AND APPEALS:

Hears and determines applications for variances from the strict application of any general plan, zoning, subdivision or building ordinances.

Holds public hearing prior to ruling on a variance application and issues findings of fact and conclusions of law on decisions granting or denying variance applications.

Hears and determines appeals alleging error from any person aggrieved by a decision or order of any department charged with the enforcement of zoning, subdivision and building ordinances.

Membership (Appointed by the Mayor and confirmed by the County Council):

9 members.

BOARD OF WATER SUPPLY:

Appoints, evaluates and removes the director of the Department of Water Supply and fixes the director's salary.

Creates and abolishes positions within the Department of Water Supply.

Adopts rules and regulations which shall have the force and effect of law relating to the management, control, operation, preservation and protection of the water works of the County, as well as the establishment and adjustment of rates and charges for furnishing water.

Adopts an annual operating and capital budget for the Department of Water Supply.

May issue revenue bonds under the name of the Board of Water Supply.

Membership (Appointed by the Mayor and confirmed by the County Council):

9 members.

COMMITTEE ON THE STATUS OF WOMEN:

Develops information as the State Commission on the Status of Women requires or as the Committee deems advisable concerning the status of women within the County.

Submits to the State Commission plans and proposals affecting the status of women in the County.

Endeavors to secure the widest possible citizen participation in its efforts and may utilize existing public or private organizations.

Membership (Appointed by the Mayor):

15 members, selected on the basis of their interest and knowledge in, and their ability to make contributions to, the solution of problems relating to the status of women within the County and their knowledge of local conditions.

3 ex-officio (Corporation Counsel, the Senior County representative of the Office of Children and Youth, the County representative of the State Commission on the Status of Women).

92-45

**OFFICE**

RR 1 BOX 139
WAILUKU, MAUI, HAWAII 96793
808-242-5692

BASEYARD

RR 1 BOX 139
WAILUKU, MAUI, HAWAII 96793
808-242-9322

**VALLEY ISLE PUMPING, INC.
CONSTRUCTION****TELECOPIER TRANSMITTAL**

TO: Maui County Charter Commission
COMPANY:
SUBJECT:
DATE: July 1, 1992
FAX #: 243-7686
FROM: Dominick Marino
FAX #: 244-3596
PHONE #: 242-5692

I am transmitting 1 page(s) including this transmittal sheet. If you do not receive all the pages, please call me as soon as possible at 808-242-5692.

Hard copy to follow by mail? no

Gentlemen:

I prefer to keep the system for electing our council members as it is, with all voters voting in all districts. Maui is so small that any action affects the entire island.

Thank you for considering my opinion.

Sincerely,

Dominick Marino
President



92-46

Premier Place
535 Lipoa Parkway, Ste 150
Kihel, HI 96753
Phone: (808) 874-1445
Fax: (808) 874-1182

Hawaii BC 17050 - California B 473417

July 2, 1992

To: Maui Charter Commission

Fm: Al Boteilho

Re: Council members elected by district only

The County of Maui is in itself one. The decisions made about this County should be made by total representational vote, with districts representative living in that district they represent. The closeness of one district to another is a line on paper, with possibilities of a street separating one district from the other. Does this really create a different district with different representation required? I think not! The problems of our Island are not unique to one area. The good for the whole County should be the outcome of all county council actions.

I urge you to maintain the present status of our Maui Island Council.
Mahalo Nui Loa for this opportunity to go on record.

Al Boteilho
V.P. FWA Builders

9247

July 1, 1992

Mr. Bob Nakasone, Chairman
Maui County Charter Commission
Maui County Building
700 High Street
Wailuku, Hawaii 96793

Dear Mr. Nakasone,

I am writing to you to suggest certain ideas you and the Maui County Charter Commission might consider if you propose to seek autonomy for the Water Board for the Department of Water Supply.

These suggestions are:

1. propose all members of the Water Board are publicly elected with term limitations and represent certain geographical areas of the county equally;
2. propose Director of the Department of Water Supply, if selected by the board, is hired only by offering the position to the public by open application;
3. propose all members of the Water Board demonstrate some expertise in the field of water management, hydrologic engineering, or other related area to qualify for election.

I suggest these ideas with the thought that if the Water Board becomes autonomous it should be imperative to already have some necessary checks and balances in place to avoid the abuse of power and mismanagement which is now possible with the existing appointment / confirmation system. Hopefully, these thoughts are considered by you and the Maui County Charter Commission when you make your recommendations and decisions. I thank you for your attention in this matter.

Yours sincerely,



Patrick Tahl
P.O. Box 510
Kula, Hawaii 96790

92-48

PETITION
TO CHARTER COMMISSION
MAUI COUNTY
JULY 2, 1992

PLEASE!

SUBJECT: RETAIN CURRENT VOTING AT LARGE WITH RESIDENCY
REQUIREMENTS FOR COUNCIL MEMBERS

NAME	ADDRESS
1 Leady C. Daiza	143 Anoli Dr. Makawao, HI 96768
2 Lonell Medea	P.O. Box 725 Wailuku 96793
3 Agnes Big	117 Kaunika St. Kahala
4 Kay Yamamoto	P.O. Box 1502 Kahului, HI 96732
5 Herbert P. Palman	150 Uwapo Road, 50-101 Kihei Village, Kihei, 96753
6 Bernadette M. Meno	391 Pau Hana Rd. Makawao
7 Ora Latham	P.O. Box 34 Wailuku, HI 96793
8 Stella Suter	226 Kono Pl. Kah.
9 Elizabeth Montero	531 Kai'mana St. Kah.
10 Peggy Kaia	695 Hauili way Kah.
11 Sueno Ruyar	P.O. Box 1512 Kahului
12 Doris Kimura	1809 Kalawe Dr Wailuku
13 C. Tomimoto	Holowai Wailuku
14 Yuki Yoneda	1604 Ono St Wailuku
15 Kay K. Tanaka	2510 Main St Wailuku
16 Elvin Masuoka	1102 Ewa Pl. Kihei
17 Ladao Masuoka	1102 Ewa Pl. Kihei
18 Florence Tanaka	70 Kaniela St. Wailuku 96793
19 Nancy Shimizu	221 Lihili St. Wailuku 96793
20 Rose Hachisu	284 Church St. Wailuku 96793
21 Sadako Yamaguchi	135 Kona St. Wai 96793

PETITION
TO CHARTER COMMISSION
MAUI COUNTY
JULY 2, 1992

PLEASE!

SUBJECT: RETAIN CURRENT VOTING AT LARGE WITH RESIDENCY
REQUIREMENTS FOR COUNCIL MEMBERS

NAME	ADDRESS
1 Doris Hotta	148 Henano St. Wai
2 Yoshine Tanomura	2109 Kaolu St. Wailuku
3 Robert D. Nobamura	223 Nabila Ln Waike
4 Monoru Marugati	2056 Pk 104 St
5 Tetsuyuki Ikeda	2271 Mulivai Dr. Wailuku
6 Fujio Uradomo	1962 North St. Wailuku
7 Tetsuo Yamaguchi	418 Palani Pl. Wailuku
8 Masamichi Yokouchi	1576 Alaka St
9 Tadao Kikuchi	336 Olulua, Wailuku
10 Satoru Sasada	351A E Street Wailuku
11 Masato Kawashima	1985 Riko Pl. Wailuku
12 Loreta C. Pacubas	549 S. Oahu St. Kah. Hi 96737
13 Pamela Iwasaki	P.O. Box 18, Wailuku, Maui HI 96793
14 Donna Baqui	863 Upolu Street, Waikehi HI 96793
15 Ben Leckie	P.O. 101 Main St. Wailuku
16 Grace Pavele	322 Mokuohi Loop, Kahului
17 Sandra Arisumi	824 Palu Circle, Kahului
18 Natalie Okuma	S.R. Box 157, Kealahou, Hailuku 96708
19 Annette Spencer	P.O. Box 1131 Wailuku
20 Wilhelmina Gilman	HAILUKU
21 Juliana T. Pereira	43 Kupaiaiki Sp. Kikihi HI

PETITION
TO CHARTER COMMISSION
MAUI COUNTY
JULY 2, 1992

PLEASE!

SUBJECT: RETAIN CURRENT VOTING AT LARGE WITH RESIDENCY
REQUIREMENTS FOR COUNCIL MEMBERS

NAME	ADDRESS
1 Agnes M. Grog	117 Kaahua St. Haiku.
2 Mary Luteira	510 Makawao Ave. Makawao
3 Betty Jean Farr	210 Cyana Road
4 Sandra Lee Ramon	353-A Elilani St. Pukalani
5 Rose Vegas Cooper	941 Puuomali Rd Haiku, Maui
6 Lucy Chang	P.O. BOX 1072 Kihei, HI 96753
7 Stella Medeiros	35 Aieki St. Halimaile Maui 96768
8 Leroy Curpio	32 Palekana St - Paia 96779
9 Susan H. Souza	1118 Makawao Pl. Makawao 96768
10 Gordon R. Marcus	742c Kula Hwy 96790
11 Malcolm Kaka'ele	Kokomo Rd.
12 Elizabeth Papp	# Makawao
13 Colette Weston	64 Aieki
14 Silvia Kephau	P.O. Box 1385 Makawao
15 Delra Lorenz	421A Lono Ave. Kahului
16 Mary Maguedalena	140 WMAPU RD - 33-101 KIHAI, HI 96753
17	
18	
19	
20	
21	

PETITION
TO CHARTER COMMISSION
MAUI COUNTY
JULY 2, 1992

PLEASE!

SUBJECT: RETAIN CURRENT VOTING AT LARGE WITH RESIDENCY
REQUIREMENTS FOR COUNCIL MEMBERS

NAME	ADDRESS
1 Florence Ijovenuto	2171A Vineyard St Wailuku 96793
2 Lillian Gemauchi	418 Palani Pl, Wailuku
3 Shimizu Katsuyama	336 Naniwa Dr, Wku
4 Sakae Goshida	1576 Alaka St. Wku
5 Shizue Ikeda	2271 Muliwai Dr.
6 Ruth Iukumoto	1595 Wili Pl. Wk.
7 Masako Rakot	P.O. Box 344, Wailuku, HI 96793
8 Misayo Murata	1649 Kalama St Wailuku
9 Natsuyo Hayca	440 S. Palama Dr. Kahului
10 Chupko Nakamura	P.O. Box 938, Wailuku
11 Yoshiko Uchida	305A Market St. Wku
12 Winifred Nagachi	144 Kanan St. Wailuku
13 Ritsuyo Hethuro	7444 Lower Main Wai
14 Yashiro Oka	1966 Liko Pl. Wailuku
15 Lillian S. Nishizawa	640 Kailua St - Wailuku
16 Misayo Kurisu	P.O. Box 643 Wailuku, HI 96793
17 Yuri Yoshizawa	267 Naholo Circle Kahului, HI 96732
18 Janet Inamesu	162 Kanan St. Wailuku, HI 96793
19 Itsumi Kusunagi	244 Aunahua Dr, Wailuku, HI 96793
20 Ann Aisumi	351 Hakoa Drive Wai - 96793
21 Momoyo Misonaka	557 Maalo St Kah 96731

92-49

July 3, 1992

Maui County Charter Commission,

I would like to state my opinion
re more autonomy for the Board
of Water Supply. I am very much
against such a move. I do not feel
that our local Board has handled
the water problems on Maui in the
least astutely. We have waited well
over a decade to have some action
taken on the water situation upcountry
and nothing has been or is being
done. I feel that if the Board of
Water Supply's actions were not
subject to review by the County
Council and mayor's office the
people would be left with no
recourse to the bad decisions made.
I would like to see it returned
to a county department. The Water
Department has had three years
to prove itself in a semi-autonomous
status and our services have not

only not improved but have actually retrogressed.

No autonomy would seem to be the best move and I urge the commission to make the Water Department an executive department under the Mayor and County Council

Thank you,

Nona Bohannon

P.O. Box 1068.
Kula Hawaii
96790.

LINDA CROCKETT LINGLE
Mayor

BRIAN W. MISKAE
Director

ROBERT K. KEKUNA, JR.
Deputy Director



92-51

BILL MEDERIOS
Long Range Division

COLLEEN M. SUYAMA
Current Planning Division

KALVIN KOBAYASHI
Energy Division

1992 JUL -8 PM 3:28

COUNTY OF MAUI
PLANNING DEPARTMENT

250 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793

July 7, 1992

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

APPROVED FOR TRANSMITTAL

For transmittal to:

Commissioner James H. Cockett
Maui Charter Commission
P.O. Box 307
Kahului, Maui, HI 96732

Linda Crockett Lingle 7/8/92
Date

Dear Commissioner Cockett:

Re: **CHARTER REVISION REVIEW OF CHANGES THAT MAY BE NECESSARY
CONCERNING VARIANCES AND APPEALS**

Thank you for the invitation to render an opinion on the subject matter contained in your letter dated June 12, 1992 to Messrs Shinmoto and Cerizo.

On the matter of excluding the ability of the Board of Variances and Appeals (BVA) to hear and decide on applications for variances from the strict application of any general plan I would certainly agree. The general plan and community plan are long term documents drafted to guide the county in more broad based terms. There should be no provision to vary the provisions of such documents. If changing conditions warrant such variations, an amendment should be processed through the county council.

On the matter of variances to building ordinances it would seem that the Board of Code Appeals would be the proper authority to decide on such matters.

On the matter of the sign ordinance one must realize that although the sign ordinance contains language that deals with health and safety the main reason for the ordinance is simply aesthetics. To allow for variances to this ordinance may tend to undermine its very fabric and objective.

On the matter of the rules and regulations of the Department of Water Supply we would have no comment.



Commissioner James H. Cockett
July 7, 1992
Page 2

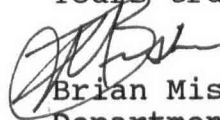
As a general observation it has been my practice to see agencies such as the BVA dealing with the practical and site specific application of performance standards only. An appointed board should not have the authority to allow land use inconsistent with stated objectives of the legislative arm of the county. I might suggest wording as follows:

Section 8-5.4 (1) Hear and determine applications for variances from the strict application of performance standards contained within any zoning or subdivision ordinance.

The final matter related to administration of the subdivision and zoning ordinances I can only comment that both are land use related. The Charter requires that the Planning Director have had at least five years of experience in the field of planning which may better equip that individual to deal with land use related matters than the Public Works Director who is not required by Charter to have planning experience. My comments here are generic only and are not meant to compare current incumbents. Whether such a change would be beneficial is hard to say. The public works director has duties related to the provision of hard municipal services such as roads, sewage treatment, solid waste etc. The planning director has duties more related to land use issues which may include interpretation of land use matters and in subdivision design.

Thank you again for this opportunity to comment. If you require anything further, please do not hesitate to contact me at your convenience.

Yours truly,



Brian Miskae, Director
Department of Planning

cc: George Kaya
Guy Haywood

charter1.bm



92-50

DEPARTMENT OF WATER SUPPLY
COUNTY OF MAUI
P.O. BOX 1109
WAILUKU, MAUI, HAWAII 96793-7109

July 9, 1992

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

APPROVED FOR TRANSMITTAL

For transmittal to:

[Signature] 7/9/92
Mayor Date

The Honorable Robert Nakasone, Chairman
and Members of the Charter Commission
County of Maui
Wailuku, HI 96793

Dear Chairman Nakasone and Members:

SUBJECT: DRAFT WATER USE AND DEVELOPMENT PLAN

We are transmitting for your information the draft Water Use and Development Plan for the County of Maui. These documents provide the planning framework for the Department for the future.

This plan has been determined to be the plan required under the Charter by Corporation Counsel. It is a living plan that is updated biyearly.

Very truly yours,

[Signature of David Craddick]

DAVID CRADDICK
Director

Transmittal

92-52

MEMORANDUM

TO: Charter Commission Members
FROM: David DeLeon, Executive Assistant to the Mayor *JD*
DATE: July 16, 1992

RE: Mayor's Statement on Proposed Charter Amendment (Sec.9-9)

Attached, for your information, is the administration's position on the proposed amendment that would require quarterly certifications of excess revenues. We are faxing it to you before the meeting so that you will have a chance to read it.

LINDA CROCKETT LINGLE
Mayor
TELEPHONE 243-7855



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

July 16, 1992

Mr. Robert Nakasone, Chairman
Charter Commission
County of Maui
200 South High Street
Wailuku, Maui, Hawaii 96793

Dear Chairman Nakasone:

This statement is offered in response to the proposed amendment to Section 9-9 of the Charter requiring the mayor to certify quarterly revenues in excess of what was estimated in the annual budget.

The administration opposes this proposed amendment because it would weaken our ability to manage our fiscal resources; possibly hurt our bond rating; render us unable to respond to unexpected emergencies; and because it is unnecessary.

Maintaining carryover/savings is a common, practical, prudent fiscal management practice. This is one of many factors bond buyers look at and it is one of the reasons Maui County has an excellent bond rating. If approved, this proposal could hurt that rating.

The proposal says the mayor should consider "any expected shortfall in revenues". It is the unexpected shortfalls that we should be worried about. How do you predict them? And how do you pay for them if you have spent all of your savings.

Last summer, for instance, the County fought a major, dangerous brush fire on Molokai. The fire was contained by the combined action of Maui fire fighters, state foresters, military personnel, and commercial helicopters. The costs included fuel, equipment, flight time, and overtime, many times over what we were budgeted for. We paid these expenses from savings, via our regular supplemental budget process. If we had already committed our savings, we would have had to borrow to pay these unexpected bills. We could talk about numerous similar cases which the County was able to deal with because it had savings.



Mr. Robert Nakasone, Chairman
July 16, 1992
Page 2

The proposal also ignores certain basic realities of our revenue sources and our accounting systems. For instance, our major source of revenue is from real property tax collections. These are received semi-annually and not quarterly.

And although the County's fiscal year ends on June 30, its final accounting for that year -- the closing of the books -- is not completed until November. The true extent of carryover/savings is not known until then. When they are known and the County's needs are ascertained, the Mayor certifies an amount that she considers prudent to use and submits to the County Council a supplemental budget proposal aimed at addressing those needs. The Council is free to appropriate funds for that budget, as the Mayor proposed, or to fund altogether different projects.

As you can see, not all carryover/savings sit idle for the year.

The proposal would require "certification", meaning that these monies are available to be spent. This is clearly different than giving the County Council adequate "notice" of the County's fiscal status on a quarterly basis. That is done now. The Council has the facts.

The contention has been raised that the County Council could decide, outside of the context of the regular budget period or the supplemental budget, that it wants to initiate a new county program using the "excess revenues" in carryover/savings. Remember, the Council already has two opportunities a year to initiate new programs. If for some reason the Council came up with a great new concept that could not wait a few months, the Council could petition the Mayor to certify the necessary amount for appropriation. If there were adequate funds and if the Mayor agreed that the Council's idea could not wait, then nothing would stop the idea from being funded.

The present process is flexible enough to adjust to new conditions and situations.

Early in its deliberations, the Charter Commission considered shifting the County to a biennial budget process. The current proposal would have the opposite effect, causing the County to be engaged in a constant, year around budget process. This would disrupt the orderly development of the annual budget. It would require extra staffing.

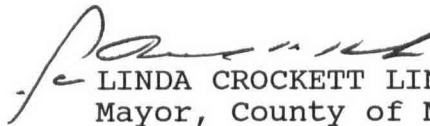
Mr. Robert Nakasone, Chairman
July 16, 1992
Page 3

Again, this proposal would weaken our ability to manage our fiscal resources; possibly hurt our bond rating; and render us unable to respond to unexpected emergencies. And it is unnecessary because the current process is not "broke". So we are asking that you don't attempt to fix it.

While they could have given you a week-long seminar on County finances, the County Deputy Finance Director and Budget Director have submitted a four-page paper (enclosed) outlining their concerns with this proposal.

Thank you for your consideration.

Sincerely,


LINDA CROCKETT LINGLE
Mayor, County of Maui

DL:jso
Enclosure
c:\letter\160

LINDA CROCKETT LINGLE
Mayor



COUNTY OF MAUI
DEPARTMENT OF FINANCE

200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793

TRAVIS O. THOMPSON
Director of Finance

WAYNE Y. FUJITA
Deputy Director of Finance

MEMO TO: Robert Nakasone, Chairman
Maui County Charter Commission

F R O M: Wayne Y. Fujita, Deputy Director of Finance

D A T E: July 16, 1992

SUBJECT: CHARTER COMMISSION'S PROPOSED AMENDMENT REGARDING
QUARTERLY CERTIFICATION OF REVENUES RECEIVED IN EXCESS OF
ESTIMATED REVENUES

Regarding the above-mentioned amendment, Georgina Kawamura, Budget Director; Ty Yoshimi, Accounting System Administrator; and I have prepared the following outline for your perusal. It contains many of our concerns arising from the proposed issue.

Thank you for considering our concerns.

WYF:rt
Enc.

Having the County certify the excess carryover savings and bring it down to zero could be detrimental to the financial well-being of the County. It should not be forgotten that inadequate or unstable levels of unreserved fund balance (carryover/savings) can lead to added costs in the form of unnecessary borrowings and worsened credit ratings.

While there is no one right answer on the appropriate level of carryover/savings that should be maintained, there are rules of thumb that may be useful. For example, 5% of annual operating expenditure is a commonly cited amount. Another example is that unreserved fund balance should equal no less than one month's operating expenditures (8.3 %). It should be cautioned, however, that we should avoid applying such rules of thumb mechanically.

As it stands now, when do we certify carryover/savings? In effect, carryover/savings is as of June 30; but although it is "received" as of June 30, to arrive at the figure involves the time consuming "closing of the books." That figure is not firm until the audited financial report is issued, which is approximately early November.

Taking the above into consideration, if we were to certify excess carryover/savings for the quarter ending December, how would we "consider any expected shortfall in revenue?" Whose crystal ball do we use?

Our current procedure of providing for supplemental appropriation of annual excess funds after year-end provides for effective and efficient management.

I. CARRYOVER SAVINGS IS THE RESULT OF A COMPLETE YEAR-END EVALUATION.

- A. The annual report is a comprehensive report involving accrual evaluations of accounts which may not be done at other times during the year. Included in these evaluations is our Independent Audit Report and the Single Audit Report for federal grant funds. Being a comprehensive report, our accounts reflect modified accrual balances, rather than just cash transactions as in the quarterly reports. Having receivables and accrued liabilities reflected in the year-end financials creates a more complete picture of the County's position.
- B. The quarterly reports are summaries of cash receipts and disbursements. As such, the quarterly report is meant to give a quick snapshot of the County's activity.

II. PRIOR YEAR SAVINGS IS THE LARGEST SOURCE OF EXCESS REVENUES.
OTHER SOURCES APPEAR TO BE RELATIVELY INSUBSTANTIAL.

A. Our current budget estimates:

Carryover savings	\$23,653,601
-------------------	--------------

Other revenue sources are as follows:

Taxes	\$82,380,504
Charges to other funds	\$19,493,870
Grants	\$18,466,358
Borrowings - bonds	\$16,427,030
Charges for services	\$12,151,280
Licenses/Permits	\$ 6,194,166
Interest	\$ 3,390,000

In comparison to the carryover savings, these revenue types are not anticipated to produce significant amounts of "excess revenues". By their nature, they are fairly predictable.

B. Council already has authority to approve any spending uses of these through rate changes, bonds authorizations, etc.

"Excess revenue" does not mean that liquid funding is available for long term commitment. Responsible fiscal management does not end at considering "excess revenues" for appropriation, but should include the complex issues of cash flow and contingencies.

III. CASH FLOW CONSIDERATIONS:

A. Real property taxes are collected once every six months. This is the largest revenue item in the budget. To certify excess revenues quarterly assumes that these taxes are collected quarterly. And we do not collect quarterly. But as a semiannual tax, the County must plan and hold working capital in planning its cash flow in anticipation of these semiannual collections.

B. Many revenue sources are accrued as receivables and are not converted to cash until later. Besides property tax receivables, there are grant receivables, fees, and charges. Although, revenues may indicate "excess revenues," these may not be available until collected.

C. The reduction of cash restricts the availability (liquidity) of revenues. Declining current liabilities may create a use of cash. For example, a bond redemption payment represents a reduction in debt. Another example is a reduction in accrued payroll. These reductions in debt are uses of cash. You can not spend what you have already invested into a debt reduction.

- D. Another reduction of cash is the increase in operating needs. As the operating cycle progresses, inventory inflation, equipment depreciation, and recurring salary increases create increasing revenue demands. These increasing demands will reduce amounts available for other needs. Annual evaluations of these needs are more appropriate than trying to determine quarterly fluctuations which may be temporary.
- E. Other temporary uses of cash flow are fund transfers. Occasionally, other funds may have unanticipated temporary cash needs which may be appropriately funded through cash advances. Examples are advances in anticipation of funding for trust and agency funds, bonds authorized but in process of issuance, and temporary fund borrowings in anticipation of receivable collections. These temporary and unanticipated transfer needs are funded when external financing is more costly.

IV. CONTINGENCY CONSIDERATIONS:

- A. The County, as a self-insured entity, needs to maintain an amount to fund potential claims, especially catastrophic claims. Our current budget allows for \$1,650,000. Any claim in excess of that amount would be funded through our fund balance and any excess current funds.
- B. Compensated absences including vacation, sick leave, and self-insured worker's compensation could create a large unanticipated expenditure. Current Governmental Accounting Standards are in the process of redetermining the liability in this area. It could be in the millions of dollars.
- C. The County has a continuing responsibility to fund its employees' pension and to comply with civil service contract commitments. Determining the effect of these types of liabilities quarterly is not practical accounting.
- D. The reliability of revenue sources and collectability is usually an annual evaluation. This estimating process includes an evaluation of the public property rolls and the filings of appeals and exemptions. Quarterly evaluations (due to its brevity) may prove to be an accounting exercise.
- E. Fund balance and excess funds also need to maintain a working balance. The balance needs to support operating contingencies (some say 5% of annual operations). Also, when bonds are issued, the purchasers evaluate the amount of equity available in the County. This equity is viewed as a collectability cushion to bondholders. An Official

Statement is presented to bond buyers which discloses among other things, various operating and funding policies. A County's position on the spending and maintenance of its fund balance does influence the bond rating.

LINDA CROCKETT LINGLE
Mayor
TELEPHONE 243-7855



92-53

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

July 16, 1992

Mr. Robert Nakasone, Chairman
Charter Commission
County of Maui
200 South High Street
Wailuku, Maui, Hawaii 96793

Dear Chairman Nakasone:

While the purpose of this letter is to comment on various elements of your draft report, let me start out by applauding the Commission's hard work and quality product.

I would like particularly to congratulate you on your proposed re-organization of the County Council's residential districts. This is a tough, emotional issue. The Commission has studied it well and has come up with an interesting adjustment to meet the needs of a changing Maui County.

I would like also to support the proposed change in Section 9-10 which would allow the Council to initiate transfers of funds within the Council's programs without seeking administrative approval. I also support the proposal to allow transfer of funds via resolution. This change will help make our system more responsive and efficient.

Upon reading your draft report, I came upon three areas of concern. I am writing to you in a separate letter regarding one of these areas, and the County's fiscal officers will address it at your meeting later today. Another is the amendment proposed for Section 7-2, which would have new administrations commencing on the first working day of December. My experience tells me that this proposal would make a tough job tougher. And even though this change will have no effect on me, I hope you will consider my thoughts on this matter. The biggest problem a new mayor faces is finding the right people to fill the County's top administrative positions. Those personnel choices are the key factors which make or break the effectiveness of an administration. Forcing a newly elected, first-time mayor to make those decisions in haste, particularly right after an exhausting election campaign, is ill-advised.

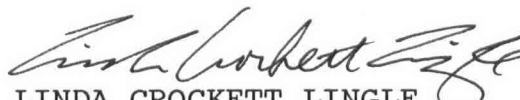


Mr. Robert Nakasone, Chairman
July 16, 1992
Page 2

While I do not want to comment on the proposed amendment placing the Water Department under the administrative control of the mayor, one element of the proposed language did catch my eye. In Section 8-11.6, the amendment would continue the County Council's veto power over the Water Department's rules and regulations. If the concern is over the setting of rates and fees, the Council will continue to have authority over them via the budget process. The original purpose of this provision was to provide for oversight by elective authority over the functions of the Water Department. However, if the department is placed under the mayor's authority, that goal would have been achieved. I would point out that the Council does not have similar veto power over the rules and regulations promulgated by other departments. They are called administrative rules, and are subject to the mayor's approval.

Generally, the draft looks like a quite workable document. I congratulate you on your hard work.

Sincerely,


LINDA CROCKETT LINGLE
Mayor, County of Maui

DL:jso
c:\letter\157

LINDA CROCKETT LINGLE
Mayor



92-54

RAYMOND Y. KOKUBUN
Director

KENNETH T. TAIRA
Deputy Director

COUNTY OF MAUI
DEPARTMENT OF PERSONNEL SERVICES

200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793

July 17, 1992

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

APPROVED FOR TRANSMITTAL

For transmittal to:

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

 7/17/92
Mayor Date

SUBJECT: PROPOSED AMENDMENT TO CHARTER SECTION 8-3.3.a

Dear Mr. Nakasone:

Pursuant to your written request dated June 29, 1992, we have enclosed position descriptions for the Investigator I and II, SR-24 and SR-26 positions in the Department of the Prosecuting Attorney. Also enclosed are the class specifications for the classes Investigator I and II which describe the minimum qualification requirements for the classes. Please be informed that there is also an Investigator position in the Department of the Corporation Counsel.

Should Investigators be confirmed with the "powers and privileges of a police officer," the position descriptions and class specifications will have to be reviewed and perhaps amended.

Please feel free to contact me should you require additional information with regard to this matter.

Sincerely,


RAYMOND Y. KOKUBUN
Director of Personnel Services

RYK:cm
Enclosures



DEPARTMENT OF CIVIL SERVICE
COUNTY OF MAUI
POSITION DESCRIPTION

Dept.: DEPARTMENT OF THE PUBLIC PROSECUTORDiv.: WFO HAWAII 96793Section: 1977 MA 11 PM 4 18 Physical Location: _____1. Pos. No. PA-0008Perm X Temp _____

Full-time _____ Pt-time _____

2. PRESENT CLASS INVESTIGATORSR: 21-B3. Incumbent's Name: (Vacant) - Ordinance No. 854-764. Action Requested: Initial Allocation () Reallocation () Description Only (X) Redescription-Review ()Recommended Allocation: CLASS: INVESTIGATOR IIISR: 24-B

5. Authorized by: (Indicate Committee Rpt. No. or Meeting and Date Action adopted or approved):

(Ordinance No. 854-76) Manpower Control Authorization: Approved by Mayor 5/10/77 (DF #877)

6. Duties of the Position: List each duty assigned or performed by the position in logical order; beginning with those performed most frequently and followed by those performed occasionally. Give an estimate of the average amount of time spent in performing the duties listed. If more space is needed, use a blank sheet (8 1/2 x 11) and list the duties thereon and attach to this Form.

Investigate and follow-up investigations completed by the police, principally by the detectives of the local police department (contact with police officers will be most frequently with sergeants and detectives); secure confirming facts and evidence in reports; interview and interrogate witnesses, complainants and suspects; coordinate investigations and work closely with all law enforcement agencies on the local, state and federal levels; prepare reports and make appropriate recommendations.

% of Time
60%

Assist in the presentation of cases before the grand jury, jury and non-jury trials, hearings and other judicial hearings; testify in court and produce and identify evidence; assist the prosecutors in all other aspects in the preparation of cases to be presented before all courts in the state.

20%

Conduct highly confidential investigations involving fraud, malfeasance, etc.; investigate violations and complaints involving county ordinances and rules and regulations; gather additional facts for judges during mitigation hearings.

10%

Gather and marshall all reports, pleadings and records and keep an accurate account of disposed cases which are open-ended; e.g., cases involving DAG pleas, deferred prosecution, etc.; perform other related duties assigned by prosecutors.

10%

FOR CIVIL SERVICE USE ONLY

ACTION TAKEN: Initial Alloc (X) Realloc () No Change () Other:CLASS: InvestigatorSR: 24See Audit Rpt No. 77-41 Study By RK Alloc Notice No. _____

Non-Comp Exam Req: Date Admn: _____ Pass () Fail () Score: _____

EFFECTIVE DATE: 7/13/77APPROVED: Date: 8/11/77

7. **Supervision Received** (Give name and title of immediate supervisor):

Name: **ARTHUR T. UEOKA**

Title: **Prosecuting Attorney**

8. **Responsibilities of the Position:**

Supervisory Responsibilities (List names, titles and nature of supervision given): **None.**

Name

Title

Nature of Supervision

b. Other Responsibilities (Describe responsibilities not shown in 6 or 8a):

c. Tools and Equipment (List tools and equipment used or operated):

d. Hazards, Hardship, etc. (List and describe any unusual working conditions):

e. List Licenses or Certificates Held:

9. **CERTIFICATE OF EMPLOYEE:** I certify that the statements above are accurate and complete.

Signature of Employee:

Date:

10. **Statement of Immediate Supervisor**

a. Comment on the statements made by employee (Indicate exceptions or additions):

Describe the nature and extent of supervision you exercise over this position:

c. Indicate the qualifications absolutely necessary to perform the duties of this POSITION: (The educational level, kind and length of work experience, physical requirements):

d. License and/or Certificates Required:

11. **CERTIFICATE OF IMMEDIATE SUPERVISOR:** I certify that the statements above are accurate and complete.

Signature of Immediate Supervisor:

Date:

12. **CERTIFICATE OF DIVISION HEAD:** I certify that I have reviewed the statements above and that they are accurate and complete.

Signature of Division Head:

Date:

13. **Statement of Department Head:**

a. Indicate and comment on any inaccuracies or disagreements:

b. Comment on qualifications indicated by Immediate Supervisor in 10-c above:

14. **CERTIFICATE OF DEPARTMENT HEAD:** I certify that the statements above are accurate and complete.

Signature of Department Head:

Date: **May 9, 1977**

Form CSC-PD 1-63 Submit in Triplicate. Civil Serv. Copy - white. Copies - yellow.

DEPARTMENT OF CIVIL SERVICE
COUNTY OF MAUI
POSITION DESCRIPTION

Dept.: Prosecuting Attorney

Div.: RECEIVED

Section: '89 JUL 12 A9:40

Physical Location:

Pos. No. PA-0053

Perm X Temp

Ful-time X Pt-time

2. PRESENT CLASS

SR:

3. Incumbent's Name:

DEPARTMENT OF
 PERSONNEL SERVICE
 COUNTY OF MAUI

4. Action Requested: Initial Allocation (X) Reallocation () Description Only () Redescription-Review ()

Recommended Allocation: CLASS: Investigator

SR: 24

5. Authorized by: (Indicate Committee Rpt. No. or Meeting and Date Action adopted or approved):

Ordinance No. 1810, DM No. 002

6. Duties of the Position: List each duty assigned or performed by the position in logical order; beginning with those performed most frequently and followed by those performed occasionally. Give an estimate of the average amount of time spent in performing the duties listed. If more space is needed, use a blank sheet (8 1/2 x 11) and list the duties thereon and attach to this Form.

% of
 Time

See attached.

FOR CIVIL SERVICE USE ONLY

ACTION TAKEN: Initial Alloc (XX) Realloc () No Change () Other:

CLASS: Investigator

SR: 24

See Audit Rpt No. 89-84 Study By LK

Alloc Notice No. _____

Non-Comp Exam Req: Date Admn: _____

Pass () Fail () Score: _____

EFFECTIVE DATE: 7/1/89

APPROVED: [Signature]

Date: 7/18/89

(See Reverse Side)

7. **Supervision Received** (Give name and title of immediate supervisor):

Name: Joseph E. Cardoza

Title: Prosecuting Attorney

8. **Responsibilities of the Position:**

a. Supervisory Responsibilities (List names, titles and nature of supervision given):

Name

Title

Nature of Supervision

b. Other Responsibilities (Describe responsibilities not shown in 6 or 8a):

c. Tools and Equipment (List tools and equipment used or operated):

d. Hazards, Hardship, etc. (List and describe any unusual working conditions):

e. List Licenses or Certificates Held:

9. **CERTIFICATE OF EMPLOYEE:** I certify that the statements above are accurate and complete.

Signature of Employee:

Date:

10. **Statement of Immediate Supervisor**

a. Comment on the statements made by employee (Indicate exceptions or additions):

b. Describe the nature and extent of supervision you exercise over this position:

General supervision.

c. Indicate the qualifications absolutely necessary to perform the duties of this POSITION: (The educational level, kind and length of work experience, physical requirements):

d. License and/or Certificates Required:

Hawaii driver's license required.

11. **CERTIFICATE OF IMMEDIATE SUPERVISOR:** I certify that the statements above are accurate and complete.

Signature of Immediate Supervisor:

Date: June 30, 1989

12. **CERTIFICATE OF DIVISION HEAD:** I certify that I have reviewed the statements above and that they are accurate and complete.

Signature of Division Head:

Date:

13. **Statement of Department Head:**

a. Indicate and comment on any inaccuracies or disagreements:

b. Comment on qualifications indicated by Immediate Supervisor in 10-c above:

14. **CERTIFICATE OF DEPARTMENT HEAD:** I certify that the statements above are accurate and complete.

Signature of Department Head:

Date: June 30, 1989

6. Duties of the Position

% of
Time

Investigate and follow-up investigations completed by the police, principally by the detectives of the local police department (contact with police officers will be most frequently with sergeants and detectives); secure confirming facts and evidence in reports; interview and interrogate witnesses, complainants and suspects; coordinate investigations and work closely with all law enforcement agencies on the local, state and federal levels; prepare reports and make appropriate recommendations.

60%

Assist in the presentation of cases before the grand jury, jury and non-jury trials, hearings and other judicial hearings; testify in court and produce and identify evidence; assist the prosecutors in all other aspects in the preparation of cases to be presented before all courts in the state.

20%

Conduct highly confidential investigations involving fraud, malfeasance, etc.; investigate violations and complaints involving county ordinances and rules and regulations; gather additional facts for judges during mitigation hearings.

10%

Gather and marshall all reports, pleadings and records and keep an accurate account of disposed cases which are open-ended; e.g., cases involving DAG pleas, deferred prosecution, etc.; perform other related duties assigned by prosecutors.

10%

DEPARTMENT OF CIVIL SERVICE
COUNTY OF MAUI
POSITION DESCRIPTION

Dept.: PROSECUTING ATTORNEY

Div.: _____

Section: _____

Physical Location: _____

1. Pos. No. PAT-0017Perm _____ Temp XFull-time X Pt-time _____2. PRESENT CLASS Investigator

3. Incumbent's Name: _____

4. Action Requested: Initial Allocation (X) Reallocation () Description Only () Redescription-Review ()Recommended Allocation: CLASS: Investigator

5. Authorized by: (Indicate Committee Rpt. No. or Meeting and Date Action adopted or approved):

Ordinance No. 1883 ; DM No. 286

6. Duties of the Position: List each duty assigned or performed by the position in logical order; beginning with those performed most frequently and followed by those performed occasionally. Give an estimate of the average amount of time spent in performing the duties listed. If more space is needed, use a blank sheet (8 1/2 x 11) and list the duties thereon and attach to this Form.

See attached.

% of
Time

FOR CIVIL SERVICE USE ONLY

ACTION TAKEN: Initial Alloc (X) Realloc () No Change () Other: _____CLASS: InvestigatorSR: 24See Audit Rpt No. 90-15 Study By KT Alloc Notice No. _____

Non-Comp Exam Req: Date Admn: _____ Pass () Fail () Score: _____

EFFECTIVE DATE: 3/20/90

APPROVED: _____

Date: _____

3/20/90

(See Reverse Side)

RECEIVED
 1990 FEB 26 PM 4:20
 OFFICE OF THE MAYOR
 SR: 24

7. **Supervision Received** (Give name and title of immediate supervisor):

Name: Joseph E. Cardoza

Title: Prosecuting Attorney

8. **Responsibilities of the Position:**

a. Supervisory Responsibilities (List names, titles and nature of supervision given):

Name

Title

Nature of Supervision

b. Other Responsibilities (Describe responsibilities not shown in 6 or 8a):

c. Tools and Equipment (List tools and equipment used or operated):

d. Hazards, Hardship, etc. (List and describe any unusual working conditions):

e. List Licenses or Certificates Held:

9. **CERTIFICATE OF EMPLOYEE:** I certify that the statements above are accurate and complete.

Signature of Employee:

Date:

10. **Statement of Immediate Supervisor**

a. Comment on the statements made by employee (Indicate exceptions or additions):

b. Describe the nature and extent of supervision you exercise over this position:

c. Indicate the qualifications absolutely necessary to perform the duties of this POSITION: (The educational level, kind and length of work experience, physical requirements):

d. License and/or Certificates Required:

11. **CERTIFICATE OF IMMEDIATE SUPERVISOR:** I certify that the statements above are accurate and complete.

Signature of Immediate Supervisor:

Date: 2/20/90

12. **CERTIFICATE OF DIVISION HEAD:** I certify that I have reviewed the statements above and that they are accurate and complete.

Signature of Division Head:

Date:

13. **Statement of Department Head:**

a. Indicate and comment on any inaccuracies or disagreements:

b. Comment on qualifications indicated by Immediate Supervisor in 10-c above:

CERTIFICATE OF DEPARTMENT HEAD: I certify that the statements above are accurate and complete.

Signature of Department Head:

Date: 2/20/90

6. Duties of the Position (Investigator):

Investigate and follow up on investigations relating to the Youth Gang Prosecution Project completed by the police, principally by the detectives of the local police department (contact with police officers will be most frequently with sergeants and detectives); secure confirming facts and evidence in reports; interview and interrogate witnesses, complainants and suspects; coordinate investigations and work closely with all law enforcement agencies on the local, state and federal levels; prepare reports and make appropriate recommendations.

60%

Assist in the presentation of cases before the grand jury, jury and non-jury trials, hearings and other judicial hearings; testify in court and produce and identify evidence, assist the prosecutors in all other aspects in the preparation of cases to be presented before all courts in the state.

20%

Conduct highly confidential investigations involving fraud, malfeasance, etc.; investigate violations and complaints involving county ordinances and rules and regulations; gather additional facts for judges during mitigation hearings.

10%

Gather and marshall all reports, pleadings, and keep an accurate account of disposed cases which are open-ended, e.g., cases involving DAG pleas, deferred prosecution, etc.; perform other related duties assigned by prosecutors.

10%

DEPARTMENT OF CIVIL SERVICE

COUNTY OF MAUI

POSITION DESCRIPTION

Dept.: PROSECUTING ATTORNEY

Div.: _____

Section: _____

Physical Location: _____

1. Pos. No. PA-0015

Perm ☒ Temp _____Full-time ☒ Pt-time _____

2. PRESENT CLASS Investigator

SR:24

3. Incumbent's Name: Glenn D. Padua

4. Action Requested: Initial Allocation () Reallocation (XX) Description Only () Redescription-Review (XX)

Recommended Allocation: CLASS:

SR: 26

5. Authorized by: (Indicate Committee Rpt. No. or Meeting and Date Action adopted or approved):

DM No. 593

6. Duties of the Position: List each duty assigned or performed by the position in logical order; beginning with those performed most frequently and followed by those performed occasionally. Give an estimate of the average amount of time spent in performing the duties listed. If more space is needed, use a blank sheet (8 1/2 x 11) and list the duties thereon and attach to this Form.

See attached.

% of
Time

FOR CIVIL SERVICE USE ONLY

ACTION TAKEN: Initial Alloc () Realloc (X) No Change () Other:

CLASS: Investigator II

SR: 26

See Audit Rpt No. 91-113 Study By CCM Alloc Notice No. _____

Non-Comp Exam Req: Date Admn: _____ Pass () Fail () Score: _____

EFFECTIVE DATE: 6/1/91

APPROVED: 

Date: 11/22/91

7. **Supervision Received** (Give name and title of immediate supervisor):

Name: Larry L. Butrick

Title: Prosecuting Attorney

8. **Responsibilities of the Position:**

Supervisory Responsibilities (List names, titles and nature of supervision given):

<u>Name</u>	<u>Title</u>	<u>Nature of Supervision</u>
Ernest Hue Sing	Investigator	Direct
Alvin Ornellas	Investigator	Direct

b. Other Responsibilities (Describe responsibilities not shown in 6 or 8a):

c. Tools and Equipment (List tools and equipment used or operated):

d. Hazards, Hardship, etc. (List and describe any unusual working conditions):

e. List Licenses or Certificates Held:

9. **CERTIFICATE OF EMPLOYEE:** I certify that the statements above are accurate and complete.

Signature of Employee:

Date: 06/14/91

10. **Statement of Immediate Supervisor:**

a. Comment on the statements made by employee (Indicate exceptions or additions):

Describe the nature and extent of supervision you exercise over this position:

c. Indicate the qualifications absolutely necessary to perform the duties of this POSITION: (The educational level, kind and length of work experience, physical requirements):

d. License and/or Certificates Required:

11. **CERTIFICATE OF IMMEDIATE SUPERVISOR:** I certify that the statements above are accurate and complete.

Signature of Immediate Supervisor:

Date:

6-14-91

12. **CERTIFICATE OF DIVISION HEAD:** I certify that I have reviewed the statements above and that they are accurate and complete.

Signature of Division Head:

Date:

13. **Statement of Department Head:**

a. Indicate and comment on any inaccuracies or disagreements:

b. Comment on qualifications indicated by Immediate Supervisor in 10-c above:

14. **CERTIFICATE OF DEPARTMENT HEAD:** I certify that the statements above are accurate and complete.

Signature of Department Head:

Date: 06/14/91

6. Duties of the Position--Investigator (SR-26):

Supervises and participates in the performance of investigations of all criminal matters, including confidential investigations of targeted crime figures, career criminals, and organized crime subjects. Assigns and schedules work within the unit. Provides technical guidance and expertise in the solving of the most complex and difficult cases. Determines the direction of investigation, areas of investigative methods and targets of the investigation. Assists attorneys in the preparation and presentation of cases in judicial proceedings through evaluation and recommendations of areas to pursue and actions to be taken. Testifies in court. Plans, develops, and initiates programs to effect improved services by the investigators. Evaluates programs which affect the unit. Recommends appropriate actions and implements the programs. Acts as liaison and coordinates with all levels of law enforcement, corrections, and judicial agencies. Conducts investigations of select cases.

90%

Projects budgetary requirements for the unit involving personnel, equipment, space and training, and submits recommendations to the department head. Evaluates, develops and provides training and orientation for staff. Counsels subordinates. Approves various types of leaves. Prepares job performance evaluations for subordinates. Recommends appointments and other personnel actions. Operates and maintains firearms. Prepares reports as required.

10%

DEPARTMENT OF PERSONNEL SERVICES
COUNTY OF MAUI

PART I

Class Specification
for the Class:

INVESTIGATOR I

Duties Summary:

Conducts confidential investigations of civil/criminal cases being considered and/or readied for court action and prosecution; obtains additional information, evidence and facts to clarify or substantiate findings of law enforcement agencies; and performs other related duties as required.

Distinguishing Characteristics:

This class is distinguished by its primary responsibility for investigating a variety of cases preliminary to and in conjunction with civil/criminal prosecutions.

Examples of Duties:

Investigates and re-investigates suspected or actual violations of civil and/or criminal laws or other legal requirements being considered and/or readied for prosecution by obtaining additional, clarifying or substantiating information, evidence and facts; interviews and interrogates witnesses, complainants and suspects; prepares reports on findings with Police Department, military and federal law enforcement agencies, and all levels of courts; assists in presentation of cases before the grand jury, jury and non-jury trials; testifies in court and produces and identifies physical evidence; gathers additional facts as may be required for any contested hearing in which the Prosecuting Attorney/Corporation Counsel may be involved; conducts highly confidential investigations involving suspected cases of fraud, malfeasance, employee misconduct, etc.; investigates cases referred to the Prosecuting Attorney or to Corporation Counsel by the Board of Ethics; investigates violations and complaints regarding local ordinances, codes and regulations; assists the Prosecuting Attorney/Corporation Counsel and his deputies in processing of various legal instruments and in presentation of cases before arbitrators and the courts; marshals reports, pleadings and records; keeps an accurate account of open-ended cases; prepares clear, concise, and logical reports to document findings and conclusions.

INVESTIGATOR I
Part I, Page 2

#####

This is an amendment to the amendment to the specification
for the class INVESTIGATOR I, which was approved
on August 24, 1977, amended on December 29, 1982, and retitled
as INVESTIGATOR I on November 12, 1991; effective March 5, 1992.

APPROVED: _____

March 5, 1992

Director of Personnel Services

DEPARTMENT OF PERSONNEL SERVICES
COUNTY OF MAUI

PART I

Class Specification
for the Class:

INVESTIGATOR I

Duties Summary:

Conducts confidential investigations of civil/criminal cases being considered and/or readied for court action and prosecution; obtains additional information, evidence and facts to clarify or substantiate findings of law enforcement agencies; and performs other related duties as required.

Distinguishing Characteristics:

This class is distinguished by its primary responsibility for investigating a variety of cases preliminary to and in conjunction with civil/criminal prosecutions.

Examples of Duties:

Investigates and re-investigates suspected or actual violations of civil and/or criminal laws or other legal requirements being considered and/or readied for prosecution by obtaining additional, clarifying or substantiating information, evidence and facts; interviews and interrogates witnesses, complainants and suspects; prepares reports on findings with Police Department, military and federal law enforcement agencies, and all levels of courts; assists in presentation of cases before the grand jury, jury and non-jury trials; testifies in court and produces and identifies physical evidence; gathers additional facts as may be required for any contested hearing in which the Prosecuting Attorney/Corporation Counsel may be involved; conducts highly confidential investigations involving suspected cases of fraud, malfeasance, employee misconduct, etc.; investigates cases referred to the Prosecuting Attorney or to Corporation Counsel by the Board of Ethics; investigates violations and complaints regarding local ordinances, codes and regulations; assists the Prosecuting Attorney/Corporation Counsel and his deputies in processing of various legal instruments and in presentation of cases before arbitrators and the courts; marshals reports, pleadings and records; keeps an accurate account of open-ended cases; prepares clear, concise, and logical reports to document findings and conclusions.

INVESTIGATOR I
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as INVESTIGATOR I on November 12, 1991; effective March 5, 1992.

APPROVED: _____

March 5, 1992



Director of Personnel Services

DEPARTMENT OF PERSONNEL SERVICES
COUNTY OF MAUI

PART II

Minimum Qualification Specification
for the Class:

INVESTIGATOR I

Minimum Qualification Requirements:

Training and Experience: (1) Graduation from an accredited college or university with major work in police science, sociology, psychology, public administration or related field and three (3) years of investigational or law enforcement experience (six months of which shall have involved full-time criminal investigative experience, as applicable*); or (2) any equivalent combination of training and experience.

*Criminal investigative experience is not required for positions with Corporation Counsel.

License Requirement: Possession of a valid Hawaii State driver's license (type 3).

Knowledge of: investigational methods and techniques; the rules of evidence and laws of arrest; court procedures and legal instruments; the jurisdiction and functions of the various law enforcement and other governmental agencies and departments; interviewing and interrogating techniques; report writing; the geographic, economic, social and racial composition of the community; (current Hawaii criminal laws, as applicable).

Ability to: interpret laws, rules and regulations; collect, assemble and develop facts and other pertinent data; think logically and objectively to analyze and evaluate facts, evidence and related information, and arrive at sound conclusions; make sound observations, remember facts, and give testimony based thereon; size up people and situations; understand the psychology of human behavior; deal effectively with the public and representatives of other government agencies; use the typewriter.

Selective Certification:

Specialized knowledges, skills and abilities relating to criminal investigative experience may be required to perform the duties of some of these positions. For such positions, certification may be restricted to eligibles who possess the pertinent experience and/or training required to perform the duties of these positions.

INVESTIGATOR I
Part II, Page 2

Requests for selective certification must show the connection between the kind of training and/or experience on which they wish to base selective certification and the duties of the position to be filled.

Health and Physical Condition:

Persons seeking appointment to positions in this class must meet the health and physical condition standards deemed necessary and proper for performance of the duties.

Physical Effort Grouping: Light

#

This is an amendment to the amendment to the minimum qualification specification for the class, INVESTIGATOR I, which was approved on August 24, 1977, amended on December 29, 1982, and retitled as INVESTIGATOR I on November 12, 1991; effective March 5, 1992.

APPROVED: _____

March 5, 1992



Director of Personnel Services

DEPARTMENT OF PERSONNEL SERVICES
COUNTY OF MAUI

PART I

Class Specification
for the Class:

INVESTIGATOR II

Duties Summary:

Supervises and coordinates a staff of investigators conducting investigations of a variety of cases being considered and/or readied for court action and prosecution; performs the most complex investigations; and performs other related duties as required.

Distinguishing Characteristics:

This class differs from the Investigator I in that the Investigator II supervises a staff of investigators involved in investigating a variety of cases; whereas the Investigator I independently conducts investigations being considered and/or readied for court action and prosecution.

Examples of Duties:

Supervises investigators in all investigative work; assigns and schedules investigative work; investigates the most complex and controversial matters; oversees all confidential investigations, including those of targeted crime figures, career criminals and organized crime subjects; provides technical guidance and expertise in the solving of the most complex and difficult cases; trains and orients personnel in the investigation of a variety of cases preliminary to and in conjunction with criminal/civil prosecution; assists attorneys in the preparation and presentation of cases in judicial proceedings through evaluations and recommendations of areas to pursue and actions to be taken; prepares budgetary requirements for the unit; functions as liaison and coordinates investigative activities with all levels of law enforcement, corrections and judicial agencies; assists in the preparation of legal instruments relative to investigative functions; recommends appropriate actions and implements programs to effect improved services by the investigators; testifies in court; evaluates, develops and provides orientation and on-going training for staff; prepares job performance evaluations for subordinates; maintains necessary work control records; prepares reports as required.

#

This is an amendment to the specification for the class,
INVESTIGATOR II, which was approved on November 12, 1991.

APPROVED: _____

March 5, 1992

Director of Personnel Services

DEPARTMENT OF PERSONNEL SERVICES
COUNTY OF MAUI

PART II

Minimum Qualification Specification
for the Class:

INVESTIGATOR II

Minimum Qualification Requirements:

Training and Experience: (1) Graduation from an accredited college or university with major work in police science, sociology, psychology, public administration or a related field, and five (5) years of investigational or law enforcement experience, including or supplemented by experience in investigations of security, intelligence, civil or criminal cases (as applicable), one of which shall have been in a supervisory capacity; or (2) any equivalent combination of training and experience.

License Requirement: Possession of a valid Hawaii State driver's license (type 3).

Knowledge of: the principles and practices of supervision; investigational methods and techniques; court procedures and legal instruments; rules of legal evidence; the jurisdiction and functions of various law enforcement and other governmental agencies and departments; human relations and behavior; interviewing methods and techniques; report writing.

Ability to: plan and organize the work of others; interpret and apply laws, rules and regulations; gather, analyze and evaluate facts; write clear and concise reports; deal tactfully and effectively with people.

Selective Certification:

Specialized knowledges, skills and abilities relating to criminal investigative experience may be required to perform the duties of some of these positions. For such positions, certification may be restricted to eligibles who possess the pertinent experience and/or training required to perform the duties of these positions.

Requests for selective certification must show the connection between the kind of training and/or experience on which they wish to base selective certification and the duties of the position to be filled.

Health and Physical Condition:

Persons seeking appointment to positions in this class must meet the health and physical condition standards deemed necessary and proper for performance of the duties.

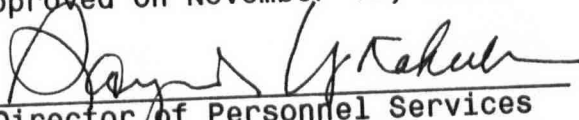
Physical Effort Grouping: Light

INVESTIGATOR II
Part II, Page 2

#####

This is an amendment to the minimum qualification specification
for the class, INVESTIGATOR II, which was approved on November 12, 1991.

APPROVED: March 5, 1992


Director of Personnel Services



OUR REFERENCE

YOUR REFERENCE

POLICE DEPARTMENT

COUNTY OF MAUI

1992 JUL 20 AM 9:56

OFFICE OF THE MAYOR

55 MAHALANI STREET
WAILUKU, HAWAII 96793
AREA CODE (808) 244-6400
FAX NO. (808) 244-6458



HOWARD H. TAGOMORI
CHIEF OF POLICE

STANLEY T. TADAKI
DEPUTY CHIEF OF POLICE

July 16, 1992

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

APPROVED FOR TRANSMITTAL

For transmittal to:

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

Linda Crockett Lingle 7/20/92
Mayor Date

SUBJECT: POLICE POWERS FOR PROSECUTORS

Dear Chairman Nakasone:

This is in response to your letter, dated June 29, 1992, concerning the amendment to the Charter, Section 8-3.3.a, granting investigators of the Prosecuting Attorney's Office all powers and privileges of police officers in the county.

While I have no problems with this provision, I am concerned over the possibility of the Prosecutor's Office creating its own Criminal Investigation Unit. This was the case with the City and County of Honolulu, some years back, that resulted in the Prosecutor's investigators competing against Police investigators in certain types of cases, which in turn, created a major problem between the two agencies. Thus, animosities were created between the two agencies which took many, many years to resolve.

I certainly don't feel that the County of Maui, being as small as it is, can afford these kinds of problems. If used properly by the investigators of the Prosecuting Attorney's Office in their present role, however, these powers would certainly enhance their capabilities.

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

Howard Tagomori
HOWARD TAGOMORI
Chief of Police

92-56



Office of the Mayor

County of Hawaii • 25 Aupuni Street, Rm. 213 • Hilo, Hawaii 96720 • (808) 961-8211 • Fax (808) 961-6553

Lorraine R. Inouye
Mayor

Barry T. Mizuno
Managing Director

David Fuertes
Deputy Managing Director

July 22, 1992

Mr. Robert Nakasone
Chair
Maui County Charter Commission
200 South High Street
Wailuku, Hawaii 96793

Dear Robert:

Thank you for contacting my office on January 21, to inquire about any problems associated with issuing the oath of office on the first Monday of December, in accordance with the Hawaii County Charter.

This practice has posed no problems in the past, and we foresee no changes in the near future. The Hawaii County Charter Commission meets every ten years and most recently met in 1990. Amendments to the charter were last adopted in 1991.

Please feel free to call me if I can be of further assistance.

Aloha,

Lorraine R. Inouye
Mayor, County of Hawaii

/sar

92-57

MAUI COUNTY FARM BUREAU
Affiliate of Hawaii Farm Bureau Federation and the American Farm Bureau
Box 148 • Kula, Hawaii 96790

July 21, 1992

Chairman Robert Nakasone
Maui County Charter Commission
c/o Mayor's Office
200 High Street
Wailuku, Hi 96793

Dear Chairman Nakasone and Commission members:

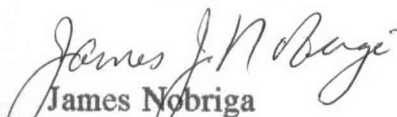
Maui County Farm Bureau is concerned about your proposal to return the Water Department to the Administration. Your assumption that this change will result in more accountability is questionable. Many years ago, the Department was under the direction of the Mayor. Numerous problems and the desire for continuity resulted in the current semi-autonomous department. After years of inaction, the current department has initiated actions to improve the Upcountry Water System. We feel it is important that the Department be allowed to continue on its current momentum and that the Department not be judged on the record of previous management.


Research of old documents should provide evidence of these problems. Change is good but should be done after careful research. We must make sure that the solution does not cause a bigger problem. We feel that this will be the case in this issue.

The functioning of the Water Department should be without political influences. Changes in the Administration should not affect long term goals. This issue is important to agriculture since without water there would be no agriculture. We understand that Agriculture is considered to be a desirable part of Maui County, not only as an economic entity but also because it provides the open space demanded by the populace. We ask that the Commission consider these comments. If there are any questions please contact Warren Watanabe at 878-2688.

We appreciate your time and consideration.

Sincerely yours,


James Nobriga
President


Warren Watanabe
Water Committee Chairman

cc: Mayor Lingle
David Craddick

To: Sue-Charter Comm. 871 9187

808-5588253

MOLOKAI NEWS PEABODY

101 F01

JUL 27 '92 16:28

92-58

all Annet Monloy

to ASB

George "Aloha" Peabody
SR Box 329 K'Kai
Molokai, HI 96748
ph.558-8253

Dear Maui Charter Commission Members

July 27, 1992

Your proposed changes look real good, so far. More needs to be done.

1. Please let voters decide to reduce the size, complexity, and expense of government by including the following proposed change under County Departments :

Dissolve the appointed Molokai and Maui Planning Commissions effective immediately, and require the Planning Department and our elected representatives (Maui County Councilmembers) to handle the land use issues as they are authorized to do according to law.

2. Please let voters decide to keep the right to self-reliance and help lower the cost of housing by including the following proposed addition to the Maui Charter :

Persons who chose to repair, modify or construct electrical and plumbing systems in compliance with all lawful construction material quality standards, and safety standards, for their own use or the use of their immediate family in lawfully approved single family residential dwellings shall not be prohibited from doing so by any County authority; and further, the County shall establish appropriate inspection procedures to regulate such activity.

Thank you,



LINDA CROCKETT LINGLE
Mayor



92-59

TRAVIS O. THOMPSON
Director of Finance

WAYNE Y. FUJITA
Deputy Director of Finance

COUNTY OF MAUI
DEPARTMENT OF FINANCE

200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793

July 24, 1992

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

APPROVED FOR TRANSMITTAL

Linda Crockett Lingle
Mayor

Date

RECEIVED
1992 JUL 24 PM 3:34
OFFICE OF THE HONORABLE MAYOR

For transmittal to:

Honorable Robert Nakasone, Chairman
and Members
Charter Commission
County of Maui
Wailuku, Hawaii 96793

Dear Chairman and Members:

This statement is offered in response to questions posed during the Charter Commission hearing on July 22, 1992 concerning the proposed amendment to Section 8-4.3.7 (relating to the Director of Finance) to provide that the Director of Finance may issue checks, in addition to warrants.

In response to the request as to the reasons for issuing checks, I present the following four benefits:

1. Checks provide a better audit trail.
2. Checks require fewer bank accounts.
3. The use of checks increases the financial institution's responsibility and liability. The checking account will place liability on the bank to not pay on irregular signatures, and also to fulfill stop payment orders.
4. Checks would eliminate a duplication of effort. Presently, warrants issued to the contractors/vendors are redeemed at the banks, who present them to the County for payment. Essentially, the County must physically pay twice for the same item--first to the contractor/vendor through the warrant account, then to the bank by a transfer from the cash account.

The Charter Commission asked the question, "How is this issue of checking accounts involved with the Kauai embezzlement problem?" The alleged embezzlement occurred because of weaknesses in their

Honorable Linda Crockett Lingle
For transmittal to:
Honorable Robert Nakasone, Chairman
and Members

July 24, 1992
Page 2

internal controls, such as the lack of segregation of duties. More specifically, one person had authority for depositing, reconciling bank statements, recording the accounting transaction, and reviewing and approving the deposit transactions. This lack of segregation of duties created a situation without checks and balances to deter embezzlement. So, the alleged embezzlement, which occurred because of the lack of internal controls, is not directly related to changing from warrants to checks.

In response to the question, "Do the other counties use checking accounts," only Kauai County has since changed to checking accounts. Upon completion of Kauai County's June 30, 1990 annual audit, the CPA firm, Nishihama and Kishida, issued a recommendation (see enclosure) to replace warrants with checks. The CPA firm commented, "They (warrants) have been generally supplanted by checks in most governments in the United States as checks provide a better audit trail and require the need for fewer bank accounts."

In response to the request for a recommendation from our Maui County auditors, Deloitte and Touche has been asked to provide comments through the Office of Council Services. Their response will be forwarded to you.

I hope these responses to the Charter Commission's inquiries are satisfactory. Should you have further concerns, please feel free to contact me.

Respectfully submitted,



WAYNE Y. FUJITA
Deputy Director of Finance

WYF:rt

Enc.

cc: Travis O. Thompson, Director of Finance w/enc.
Edlyn S. Taniguchi, Treasurer w/enc.

COUNTY OF KAUAI, HAWAII
**Recommendations to Improve Internal Accounting
Controls and Administrative Efficiency
For the Year Ended June 30, 1990**

RECOMMENDATION 20:

Consider eliminating the use of warrants.

The County uses warrants, which are similar to checks, as a form of payment for "rush" situations. Warrants are a type of "sight draft" on the County. They have been generally supplanted by checks in most governments in the United States as checks provide a better audit trail and require the need for fewer bank accounts. The County also issues checks drawn on its bank accounts. Although warrants allow the County one day's "float" time, in view of the County's liquid status there is no longer any need for the use of both warrants and checks in the same accounting system.

Recommendation:

We recommend the County eliminate the use of warrants and pay all obligations with checks.

FROM: COUNTY OF KAUAI