

COMMITTEE B REPORT
ARTICLE 8 - COUNTY DEPARTMENTS
AMENDMENT RECOMMENDATIONS

Chapter 1 - Department of Management.
RECOMMENDATION: No Change.

Chapter 2 - Department of Corporation Counsel.
[8-2.2. - Conflict resolved under Article 6-2.]
RECOMMENDATION: No Change.

Chapter 3 - Department of Prosecuting Attorney.
[8-3.2. -- FIRST SENTENCE ONLY -- Conflict resolved under Article 6-2.]
RECOMMENDATION: No Change.

8-3.2. -- SECOND SENTENCE ONLY -- Currently reads as follows:
The prosecuting attorney shall be an attorney licensed to practice and in good standing before the Supreme Court of the State and shall have engaged in the practice of law in the State for at least three years.

Proposed Wording:

The prosecuting attorney shall be an attorney licensed to practice and in good standing before the Supreme Court of the State and shall have engaged in the practice of law [in the State] for at least three years.

RECOMMENDATION: Accept proposed wording.

8-3.3.a. -- Currently reads as follows:
a. Appoint such deputy prosecuting attorneys and necessary staff as shall be authorized by the council.

Proposed Wording:

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

RECOMMENDATION: Accept proposed wording.

JUSTIFICATION: HRS 62-78 was repealed; City & County of Honolulu are adding similar wording to their Charter; Kauai is trying to do it by ordinance; no indication from Big Island as to how they are going to approach it.

Chapter 4 - Department of Finance.

8-4.2. -- Currently reads as follows:
The director of finance shall be appointed and may be removed by the mayor.

Proposed Wording:

The Director of Finance shall be appointed by the Mayor with the approval of the Council, and may be removed by the Mayor with the approval of the Council.

RECOMMENDATION: No Change.

8-4.3.7. -- Currently reads as follows:
Prepare and issue warrants.

Chapter 4 - Department of Finance (Continued)

Proposed Wording:

Prepare and issue warrants and checks.

RECOMMENDATION: Accept proposed wording.

JUSTIFICATION: This will allow a period of time for switching from issuing warrants to issuing checks.

8-4.13. -- Currently reads as follows:

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

Proposed Wording:

[Wording left to committee's discretion - request was to somehow note that there is only ONE SURETY BOND covering all.]

RECOMMENDATION: No Change.

JUSTIFICATION: To leave it open for other finance director's to use more than one bond.

Chapter 5 - Department of Public Works:

8-5.2. -- Currently reads as follows:

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

Proposed Wording:

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

RECOMMENDATION: No Change.

8-5.3.3. -- Currently reads as follows:

3. Supervise and maintain the county's highways, drainage and flood control systems and sewer systems and maintain the county's buildings.

Proposed Wording:

[To transfer the solid and liquid waste function to a newly proposed Department of Waste Management.]

RECOMMENDATION: Only if new department is created.

8-5.4.1. -- Currently reads as follows:

1. Hear and determine applications for variances from the strict application of any general plan, zoning, subdivision or building ordinances.

Proposed Wording:

1. Hear and determine applications for variances from the strict application of [any general plan,] the provisions contained within any zoning, subdivision or [building ordinances] sign ordinances.

RECOMMENDATION: Refer to full commission for discussion.

[NOTE: Mayor's recommendation to limit the powers of the Board of Variances.]

NEW

DEPARTMENT OF WASTE MANAGEMENT

Proposal: Establishment of a new department, transferring duties of liquid and solid waste from the Department of Public Works.

RECOMMENDATION: Referral to full commission for discussion.

Chapter 6 - Department of Parks and Recreation.

RECOMMENDATION: No Change.

Chapter 7 - Department of Fire Control.

8-7.1. Currently reads as follows:

There shall be a department of fire control consisting of a fire chief, public safety commission, and the necessary staff. (Amended 1986)

Proposed Wording:

There shall be a department of fire control consisting of a fire chief, [public safety] fire commission, and the necessary staff.

RECOMMENDATION: Referral to full commission for discussion.

JUSTIFICATION: Public Safety does not reflect what the commission actually handles; their thought was to either expand the commission's duties to include public safety, or change the title to reflect what the commission actually does.

8-7.2. Currently reads (in part) as follows:

The fire chief shall have had a minimum of five years of experience in fire control, at least three years of which shall have been in an administrative capacity.

Proposed Wording:

The fire chief shall have had a minimum of five years of experience in fire control with the Maui Fire Department, at least three of which shall have been in an administrative capacity.

RECOMMENDATION: Referral to full commission for discussion.

8-7.3.7. NEW SUBSECTION TO READ AS FOLLOWS:

7. Provide mitigation and stabilization of hazardous materials incidents.

RECOMMENDATION: Referral to full commission for discussion.

8-7.4. Currently reads (in part) as follows:

8-7.4. Public Safety Commission. (Amended 1986) The public safety commission shall consist of nine members appointed by the mayor with the approval of the council.

The public safety commission shall:

Proposed Wording:

8-7.4. [Public Safety] Fire Commission. The [public safety] fire commission shall consist of nine members appointed by the mayor with the approval of the council.

The [public safety] fire commission shall:

RECOMMENDATION: Referral to full commission for discussion.

Chapter 8 - Department of Planning.

8-8.1. Currently reads as follows:

8-8.1. Organization. There shall be a department of planning consisting of a Maui planning commission and a Molokai planning commission, a planning director and the necessary staff.

Proposed Wording:

8-8.1. Organization. There shall be a department of planning consisting of a Maui planning commission, a Lanai planning commission and a Molokai planning commission, a planning director and the necessary staff.

RECOMMENDATION: Referral to full commission for discussion.

8-8.2. Currently reads (in part) as follows:

8-8.2. Planning Director. The planning director shall be appointed and may be removed by the mayor.

Proposed Wording:

8-8.2. Planning Director. The planning director shall be appointed by the mayor with the approval of the council, and may be removed by the mayor with the approval of the council.

RECOMMENDATION: No Change.

8-8.4. Currently reads (in part) as follows:

8-8.4. Planning Commissions. Each planning commission shall consist of nine members appointed by the mayor with the approval of the council.

Proposal: (Not exact wording)

8-8.4. Planning Commissions. Each planning commission shall consist of nine members elected at large by the districts they represent.

RECOMMENDATION: Referral to full commission for discussion. May be too costly.

8-8.4. [NOTE: If 8-8.1. is changed to add Lanai Planning Commission, this Section and Subsection will need to be amended also.]

Proposed Wording:

8-8.4.1. The Maui planning commission shall be 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.

8-8.4.3. [NEW SUBSECTION ADDED] The Lanai planning commission shall be concerned with the area encompassing the island of Lanai and all other islands lying within three nautical miles of the shores thereof, and the waters adjacent thereto.

8-8.5. [NEW PARAGRAPH OR SUBSECTION ADDED] (Not exact wording)

A county wide open space and diversified farmland preservation plan shall be developed which recognizes and protects natural preserves; recreational assets; wetlands ;endangered species of animals, birds

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Chapter 8 - Department of Planning. (Continued)

8-8.5. (Continued) and plants; ocean access; and ecologically vulnerable areas from urban development. The plan shall also devise means of protection of Maui county's diversified farms employing environmental regulatory action along with incentives for action by private conservation agencies.

RECOMMENDATION: Referral to full commission for discussion.

8-8.6.2. Currently reads (in part) as follows:

2. [SECOND SENTENCE ONLY] Any such revision shall be referred to the appropriate planning commission by resolution.

Proposed Wording:

2. [SECOND SENTENCE ONLY] Any such revision shall be referred to the appropriate planning commission or citizens' advisory committee by resolution.

RECOMMENDATION: Referral to full commission for thorough review/discussion.

Chapter 9 - Department of Personnel Services.

RECOMMENDATION: No Change.

Chapter 10 - Department of Human Concerns.

Recommendation received was to establish a new Department of Housing. Director of Human Concerns does not advocate the establishment of a new department. Committee discussion recommends retitling this department to reflect emphasis on housing. Should this recommendation be accepted, the following changes will be needed:

Chapter 10 - Department of Housing and Human Concerns

Section 8-10.1. Organization. There shall be a department of housing and human concerns which shall consist of a director of housing and human concerns and the necessary staff.

Section 8-10.2. Director of Housing and Human Concerns. The director of housing and human concerns shall be appointed and may be removed by the mayor. [Next sentence reads stet.]

Section 8-10.3. Powers, Duties and Functions. The director of housing and human concerns shall: [Subsections read stet.]

RECOMMENDATION: Referral to full commission for discussion.

Chapter 11 - Department of Water Supply

Proposal received from Department of Water Supply reads in part:

"Accordingly, the Board of Water Supply strongly urges that the same degree of independence with respect to adoption, amendment and repeal of rules and the settings of water rates and charges, that other Board of Water Supply throughout the State have, be afforded to it."

RECOMMENDATION: DEFERRAL UNTIL 6/4/92 COMMISSION MEETING - DIRECTORS OF OAHU, BIG ISLAND AND KAUAI WATER DEPARTMENTS WILL BE PRESENT.

[NOTE: Committee's first recommendation was No Change.]

Chapter 11 - Department of Water Supply.(Continued)

Section 8-11.8. Approval of Rules. Currently reads (in part) as follows:

Within[g] forty-five (45) days of receipt of a proposed rule, the council may b[e]y a two-thirds (2/3) vote of its entire membership disapprove the rule by resolution; in which case the rule shall have no force or effect.

Proposed Wording:

Within forty-five (45) days of receipt of a proposed rule, the council may [by a two-thirds (2/3) vote of its entire membership] disapprove the rule by resolution; in which case the rule shall have no force or effect.

RECOMMENDATION: Referral to full commission for discussion. The above proposed wording reads exactly as wording in 1983 Charter.

Chapter 12 - Department of Police.

8-12.3. Chief of Police. Currently reads (in part) as follows:

The chief of police shall have had a minimum of five years of experience in law enforcement, at least three of which shall have been in an administrative capacity.

Proposed Wording: (Not exact wording)

The chief of police shall [have had a minimum of five years of experience] be appointed from Captain and above in law enforcement, at least three years of which shall have been in an administrative capacity.

RECOMMENDATION: Referral to full commission for discussion. Emphasis was placed on ten years experience.

Chapter 13 - Department of Liquor Control.

Comments by Director reflected his concern that his department be treated equally as far as who sets compensation; he felt it should be standardized for all departments.

RECOMMENDATION: No Change. Concern will be addressed by Committee A prior to moving salary commission to Committee C's sections.

Chapter 14 - Cost of Government Commission.

Comments by Chairman reflected commission's feeling that term may not be long enough. No specific recommendation was forthcoming.

RECOMMENDATION: No Change.

Chapter 15 - Civil Defense Agency.

RECOMMENDATION: No Change.

James Cockett, Chairman-Committee B

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Victor Reyes

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