

REVISED

RECESSED to Thursday, May 9, 2002, at 9:00 a.m. in the Council Chamber.

COMMITTEE OF THE WHOLE Council of the County of Maui

Meeting Agenda

**Date: May 8, 2002 (9:00 a.m.) [Council Chamber, 8th Floor, Kalana O Maui Bldg.,
200 South High Street, Wailuku, Maui, Hawai'i]**

website: <http://www.co.maui.hi.us/committees/COW/>
e-mail: cow.committee@co.maui.hi.us

COMMITTEE MEMBERS

Dain P. Kane, Chair

G. Riki Hokama, Vice-Chair

Alan M. Arakawa

Robert Carroll

Jo Anne Johnson

Patrick S. Kawano

Michael J. Molina

Wayne K. Nishiki

Charmaine Tavares

AGENDA ITEMS ARE SUBJECT TO CANCELLATION. For a confirmation of the meeting date and time, and for tentative scheduling of agenda items, please contact the Committee Staff (Richelle Kawasaki or Pauline Martins) at: Office of Council Services, 200 South High Street, Wailuku, HI 96793, 808-270-7838, 1-800-272-0026 (toll-free from Moloka'i), 1-800-272-0098 (toll-free from Lana'i), 808-270-7686 (fax).

ORAL OR WRITTEN TESTIMONY on the agenda item will be accepted prior to the discussion of this agenda item. Oral testimony shall be limited to three minutes on this agenda item (not each separate proposal). An additional minute to conclude oral testimony may be granted subject to discretion of the Committee Chair. If written testimony is submitted at the meeting, 15 copies are requested. If written testimony is e-mailed or faxed, please submit at least 24 hours before the meeting so that copies can be provided to Council members in a timely manner.

INDIVIDUALS WHO INTEND TO ATTEND THE MEETING AND WHO HAVE DISABILITIES REQUIRING SPECIAL ASSISTANCE should call the Office of Council Services at least three days in advance.

DOCUMENTS ON FILE WITH THE COMMITTEE, which may include correspondence relating to the agenda items below, may be inspected prior to the meeting date. Photocopies may be ordered, subject to charges imposed by law (Maui County Code, Sec. 2.64.010). Please contact the Office of Council Services to make arrangements for inspection or photocopying of documents.

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COW-41

CHARTER COMMISSION RECOMMENDATIONS

DESCRIPTION:

The Committee is in receipt of the following:

1. County Communication No. 02-25, from the Council Chair, relating to the matter of Charter Commission recommendations.
2. Planning Committee Report No. 02-43, transmitting a proposed resolution entitled "PROPOSING AMENDMENTS TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO THE DEPARTMENT OF PLANNING". The purpose of the proposed resolution is to propose a Charter amendment that would provide a basic framework for improved planning that may be further detailed through amendments to the County Code.

MORE →

3. County Communication No. 02-75, from Councilmember Jo Anne Johnson, transmitting a draft resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO REPRESENTATION OF THE COUNCIL IN LEGAL DISPUTES WITH THE EXECUTIVE BRANCH". The purpose of the draft resolution is to propose a Charter amendment empower the Council to authorize attorneys within the legislative branch to represent the Council in litigation against executive-branch officials.
4. "Final Report of the Maui County Charter Commission", dated April 22, 2002, transmitting the following proposed Charter amendments:
 1. AMEND THE PREAMBLE TO RECOGNIZE THE EQUAL WORTH AND DIGNITY OF EVERY INDIVIDUAL (Section 1-1)
 2. LENGTHEN TERMS OF COUNCILMEMBERS FROM TWO (2) TO FOUR (4) YEARS (Section 3-2(5))
 3. CLARIFY THE RESPONSIBILITIES OF THE CORPORATION COUNSEL (Section 8-2.3): This proposal would establish that the Corporation Counsel is the chief legal advisor and representative of the County of Maui (not just County departments, boards, commissions, officers, and employees) and eliminate the Mayor's authority to assign "other duties and functions" (i.e., the Department of the Corporation Counsel would perform "other duties and functions as may be incident to the department or required by law").
 4. GRANT INVESTIGATORS WORKING FOR THE PROSECUTING ATTORNEY THE POWERS AND PRIVILEGES OF POLICE OFFICERS WHILE ACTING WITHIN THE SCOPE OF THEIR OFFICIAL DUTIES (Section 8-3(3))
 5. BROADEN THE RESPONSIBILITIES OF THE DEPARTMENT OF PUBLIC WORKS AND WASTE MANAGEMENT TO INCLUDE ENVIRONMENTAL MANAGEMENT AND CHANGE ITS TITLE TO THE "DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL MANAGEMENT" (Section 8-5(3))
 6. RENAME THE DEPARTMENT OF FIRE CONTROL TO BE THE "DEPARTMENT OF FIRE AND PUBLIC SAFETY," RENAME THE PUBLIC SAFETY COMMISSION TO BE THE "FIRE AND PUBLIC SAFETY COMMISSION," GIVE THIS COMMISSION THE RESPONSIBILITY TO HIRE AND FIRE THE FIRE CHIEF (WITH DUE PROCESS PROTECTIONS GIVEN TO THE CHIEF) AND TO REVIEW THE BUDGET OF THE DEPARTMENT OF FIRE AND PUBLIC SAFETY, AND CLARIFY THE DUTIES OF THE FIRE CHIEF (Article 8, Chapter 7)
 7. CLARIFY THE RESPONSIBILITIES OF THE DEPARTMENT OF PLANNING WITH REGARD TO LONG-RANGE PLANNING, CULTURAL RESOURCES, ENFORCEMENT, TIMELY DECISION-MAKING, AND THE COMMUNITY PLANS (Section 8-8)
 8. PROVIDE DUE PROCESS PROTECTION IN THE EVENT OF THE TERMINATION OF THE DIRECTOR OF PERSONNEL SERVICES (Section 8-9(2))
 9. RESTRUCTURE THE DEPARTMENT AND BOARD OF WATER SUPPLY TO GIVE IT MORE AUTONOMY (Section 8-11(1))
 10. CREATE A NEW DEPARTMENT OF TRANSPORTATION (Section 8-14): The proposed new department would have the authority to plan for new highways and plan, develop, and regulate public transportation.
 11. STAGGER THE TERMS OF MEMBERS OF THE SALARY COMMISSION (Section 8-16(1)): This proposal is intended to provide greater continuity to the Salary Commission, which now has an entirely new composition after each mayoral election, and to ensure consistency with State law.
 12. COMMIT THE COUNTY TO A PLAN OF OPEN-SPACE ACQUISITION (Article 9 & Section 8-6): This proposal would require that 1% of annual real-property-tax revenues be deposited into an open-space-acquisition fund.

13. AMEND THE ETHICAL STANDARDS GOVERNING DECISIONMAKING ON BOARDS AND COMMISSIONS (Section 10-4(1)(f)): This proposal would allow a member of a board or commission to vote on matters affecting the member's employer unless the member serves in a management position.
14. PROVIDE GREATER NOTICE OF MEETINGS (Section 13-2(11)): This proposal would require that notices of public hearings by boards and commissions be conveyed through the best available means to reach the public, including the most accessible technology.
15. ALLOW BOARDS AND COMMISSIONS TO MEET IN ACCESSIBLE, PRIVATELY-OWNED LOCATIONS (Section 13-9(2)): This proposal would allow boards and commissions to conduct meetings in private facilities, provided they are open to the public.
16. TRANSITIONAL CHANGES: This proposal would address transitional issues that would be raised by enactment of the proposals on Council terms, the Fire and Public Safety Commission, and the Salary Commission.
17. HOUSEKEEPING CHANGES: This proposal would utilize gender-neutral language and Hawaiian place names, redescribe Council residency areas in geographical terms (Section 3-1), eliminate political-party requirements for filling Council vacancies, establish that a "felony" conviction shall forfeit the Mayor's office (instead of a "crime of moral turpitude"), and make technical corrections.

STATUS: The Committee may consider whether to recommend that the Council suggest any alternatives to the Charter Commission's proposed Charter amendments, pursuant to Chapter 50, Hawaii Revised Statutes. The Committee may also consider other related action.