

COMMITTEE OF THE WHOLE
Council of the County of Maui

Meeting Agenda

**Date: July 2, 2002 (1:30 p.m.) [Council Chamber, 8th Floor, Kalana O Maui Bldg.,
200 South High Street, Wailuku, Maui, Hawai'i]**

**NOTE: Executive meetings, if any, will be in the Committee Room, 7th Floor, Kalana O
Maui Bldg., while the public meeting is in recess**

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

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 any agenda item will be accepted. 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.

TO LEARN MORE ABOUT COUNCIL-RELATED ISSUES, tune in to Akaku: Maui Community Television.

**COW-46(10) SPECIAL COUNSEL (REQUEST FOR SPECIAL COUNSEL FOR THE
DIRECTOR OF PUBLIC WORKS AND WASTE MANAGEMENT REGARDING TWO
BOARD OF VARIANCES AND APPEALS (BVA) APPEALS RELATING TO THE
MAUNAOLU PLANTATION SUBDIVISION PROJECT)**

DESCRIPTION: By correspondence dated April 30, 2002, the Department of the Corporation Counsel requested consideration of a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL FOR THE DIRECTOR OF PUBLIC WORKS AND WASTE MANAGEMENT". The purpose of the proposed resolution is to authorize the employment of special counsel, McCorriston, Miller, Mukai and MacKinnon, to represent the Director of Public Works and Waste Management in two appeals before the Board of Variances and Appeals, BVA 020006 and BVA 020011, filed by Councilmembers Alan M. Arakawa and Jo Anne Johnson.

STATUS: The Committee may consider whether to recommend adoption of the proposed resolution, with or without revisions. The Committee may also consider other related action, including the possible filing of the above-referenced correspondence from the Department of the Corporation Counsel.

MORE →

NOTE: With reference to this agenda item, one or more executive meetings pursuant to Section 92-5(a)(4), HRS, are anticipated to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee.

COW-59 COUNCILMEMBER JO ANNE JOHNSON'S REQUEST FOR SPECIAL COUNSEL TO DEFEND HER BEFORE THE BOARD OF ETHICS

DESCRIPTION: By County Communication No. 02-122, Councilmember Johnson requested consideration of the authorization of special counsel to defend her against Complaint No. 02-2 and other matters before the Board of Ethics.

STATUS: The Committee may consider whether to recommend any legislative action. The Committee may also consider other related action, including the possible filing of County Communication No. 02-122.

NOTE: With reference to this agenda item, one or more executive meetings pursuant to Section 92-5(a)(4), HRS, are anticipated to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee.

COW-41 CHARTER COMMISSION RECOMMENDATIONS; PROPOSED CHARTER AMENDMENTS

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. County Communication No. 02-75, from Councilmember 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 an amendment to the Charter to enable the Council to authorize attorneys within the legislative branch to represent the Council in litigation against executive-branch officials.
3. County Communication No. 02-112, from the Chair of the Committee of the Whole, relating to the matter of proposed Charter Amendments.
4. County Communication No. 02-123, from the Chair of the Maui County Charter Commission, transmitting the 2001-2002 Revised Final Report of the Maui County Charter Commission and a summary of their decisions.
5. Committee Report No. 02-43, from the Planning Committee, recommending adoption of a resolution proposing amendments to the revised Charter of the County of Maui (1983), as amended, relating to the Department of Planning.
6. Correspondence dated April 18, 2002, from Councilmember Tavares, transmitting a proposed resolution entitled "PROPOSING AMENDMENTS TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO BOARDS AND COMMISSIONS". The purpose of the proposed resolution is to propose an amendment to the Charter to allow the Council to nominate and approve the appointment of an individual to fill a vacancy on a board or commission if the Mayor fails to submit the name of a nominee within the times provided for by the Charter.

7. Correspondence dated June 20, 2002, from Councilmember Tavares, transmitting a proposed resolution entitled "PROPOSING AMENDMENTS TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO THE COUNCIL AND DEPARTMENT OF PLANNING AND THE COASTAL ZONE MANAGEMENT LAW". The purpose of the proposed resolution is to propose an amendment to the Charter that would transfer authority for issuing Special Management Area (SMA) permits from the respective planning commissions to the Council.
8. Correspondence dated June 20, 2002, from Councilmember Johnson, transmitting a draft resolution entitled "PROPOSING AMENDMENTS TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO THE ADMINISTRATION OF SUBDIVISION ORDINANCES". The purpose of the draft resolution is to propose an amendment to the Charter to transfer authority for subdivision approvals from the Director of Public Works and Waste Management to the Planning Director.
9. Correspondence dated June 20, 2002, from Councilmember Johnson, transmitting a draft resolution entitled "PROPOSING AMENDMENTS TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO THE CODE OF ETHICS AND TESTIFYING BEFORE COUNTY BOARDS". The purpose of the draft resolution is to propose an amendment to the Charter to clarify that County officers and employees have the right to testify before the Council and County boards and commissions.
10. Correspondence dated June 21, 2002, from Councilmember Nishiki, transmitting a draft resolution entitled "PROPOSING AMENDMENTS TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO RESTRICTIONS ON THE COUNCIL AND COUNCIL MEMBERS". The purpose of the draft resolution is to propose an amendment to the Charter to bring the Charter into conformity with the Uniform Information Practices Act (UIPA), Chapter 92F, Hawaii Revised Statutes, by deleting the requirement that Council members route requests for public records through the Mayor.
11. Correspondence dated June 21, 2002, from Councilmember Nishiki, transmitting a draft resolution entitled "PROPOSING AMENDMENTS TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO THE BOARD OF ETHICS AND THE CODE OF ETHICS". The purpose of the draft resolution is to propose an amendment to the Charter to strengthen government ethics by requiring County officials to engage in "fair and equal treatment"; authorize the Board of Ethics to employ independent staff; and require the Board of Ethics to make reasonable efforts to efficiently disseminate its opinions to the public, officers, and employees, including dissemination through the Internet.
12. Correspondence dated June 21, 2002, from Councilmember Nishiki, transmitting a draft resolution entitled "PROPOSING AMENDMENTS TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO INITIATIVE". The purpose of the draft resolution is to propose an amendment to the Charter to increase citizen power by easing the requirements for proposing ordinances by initiative by decreasing the signature requirements from 20% of registered voters to 10% of voters in the last general election and by eliminating the 30-day window of opportunity to gather signatures.
13. Correspondence dated June 21, 2002, from Councilmember Johnson, transmitting a draft resolution entitled "PROPOSING AMENDMENTS TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO THE POWERS, DUTIES AND FUNCTIONS OF THE OFFICE OF THE MAYOR". The purpose of the draft resolution is to propose an amendment to the Charter that would delete the provision of the Charter allowing the Mayor to have a voice but no vote in the proceedings of all boards and commissions.
14. Other related documents.

STATUS: The Committee may consider whether to recommend passage of the draft and proposed resolutions on first reading, with or without revisions. The Committee may also consider other related action, including the possible filing of County Communication Nos. 02-25, 02-75, 02-112, 02-123; Committee Report No. 02-43; and other related documents.

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