

MINUTES OF THE
MAUI COUNTY CHARTER COMMISSION

DATE: June 30, 1975
PLACE: Cameron Center, Conference Room, Wailuku, Maui, Hawaii
CALL TO ORDER: 2:30 p.m.
PRESIDING: Monsignor Charles Kekumano
MEMBERS PRESENT: Monsignor Charles Kekumano
Paul Mancini, Commission Attorney
Lloyd Sodetani
Margaret Cameron
Catalino Agliam
Hideo Abe
Joseph Souki
MEMBERS EXCUSED: Edwina Bright
Stephen Petro
Allan Sparks
Ralph Murakami
OTHERS PRESENT: Stanley Goshi of Land Use and Codes, Division of Public Works
Carl Longo, Press
Wilma Stegmuller, Secretary of the Honokowai-Napili Taxpayers' Union

Minutes

Approval of the minutes of the Charter Commission meetings of June 2nd, June 10th, June 16th and June 23, 1975 were deferred until the next meeting.

Materials Distributed

The secretary distributed the Committee on County Government report concerning their June 12-13, 1975 investigative trip to the County of Hawaii. Also, distributed was a May, 1972 opinion by the office of the County Attorney regarding constitutionality of Section 3-1 of the Charter of the County of Maui.

Monsignor Kekumano introduced Mr. Stanley Goshi, of Land Use and Codes, division of the Department of Public Works. Mr. Goshi was asked to give his opinion with regard to the division of Land Use and Codes.

Mr. Goshi asked for some clarification by the Commission regarding his specific role in the Commission's deliberations.

Mr. Mancini made reference to the Maui County Charter, Chapter 6, Section 8-6-2 which provides that the zoning and subdivision ordinance will be administered by the Department of Planning. Yet, Mr. Mancini indicated, a certain reorganization has taken place within the County administration such that this responsibility is now vested with the Department of Public Works. This has led to an obvious discrepancy in the Charter and the Charter Commission must rectify the current inconsistencies.

Mr. Mancini related that there have been two viewpoints on the reorganization. One, suggests the resultant efficiencies in maintaining one umbrella organization as a "shopping center" for a developer. The second viewpoint stresses that the Land Use and Codes division is implementing the long range plan in their activity but the communication is not flowing to the planners. This argument emphasizes that the activity is by nature part of the planning process and should remain under planning.

Mr. Mancini stated that these viewpoints have been made to the Commission in a number of ways in resolving the issues. It seems realistic to perceive that Mr. Goshi is the best source of information on the matter.

Development of Land Use and Codes Division

Mr. Goshi explained that the Land Use and Codes division of Public Works resulted from a management study performed by Management Resources Consultants, Inc., in October, 1973. The study provided a critical review of the Maui County processes for approving land use plans and building permits. The consultants report recommended a reorganization to develop a one place, one stop functional arrangement for the administration of Land Use and Codes. The purpose was to eliminate duplicative and overlapping functions of the Department of Planning and Public Works. The proposal was to provide that all persons now involved in all aspects of Land Use and Codes would function as to serve the public centrally in a completely coordinated manner. Essentially, this would combine the engineering and building division of Public Works with the Zoning and Code sections of planning.

Mr. Goshi stated that in July, 1974 after budget approval, the proposed reorganization took place. He indicated that the combining of departmental functions appeared to be justified by the Charter. However, it was perceived that the Charter prohibited the administration from creating a new department to serve their functions.

Mr. Goshi reviewed the prior system and compare it to the current organization as follows:

Old System: Trail of an applicant:

- 1) Planning Department administers
 - a. subdivision
 - b. zoning
 - c. codes
 - d. plans review and inspection
- 2) Water Department
- 3) Public Works
 - a. engineering division
 - b. building division
- 4) Health Department
- 5) Fire Department

Current System: Trail of an applicant:

- 1) Land Use and Codes
 - a. Land Use and Plans Control
 - b. Site Construction Code Enforcement
 - c. Building Code Enforcement
 - d. Electrical Code Enforcement
 - e. Plumbing Code Enforcement
- 2) Water Department
- 3) Health Department
- 4) Fire Department

Mr. Goshi related that the public is being served in a more efficient manner under the current system.

Mr. Goshi stated that in Honolulu there are two departments administering the functions that are currently in Land Use and Codes. These are the Building Department which administers the electrical and plumbing ordinance and the Department of Land Utilization which administers the subdivision and zoning ordinance.

Monsignor Kekumano asked whether there was much overlapping in the current system?

Mr. Goshi stated that as long as the proposed development conformed to the general

Development of Land Use Codes Division

plan and the zoning; it was handled administratively and there was no need to deal with the Planning Department.

Mr. Goshi indicated that under the past setup where a developer wanted a building permit, he would go to the Planning Department to identify whether he met the zoning ordinance; then to the Water department; then to the engineering division of Public Works; then to Health and the Fire department, etc. This constant shuffling made it difficult to keep track of where the plans were. Now, Land Use and Codes can keep track of these procedures and coordinate each step. Under the present system, applicants start with Land Use and Codes to determine what can be done with a certain parcel of land.

Separate Department

Mr. Mancini asked whether Mr. Goshi believed that a separate department is needed for the Land Use and Codes division?

Mr. Goshi indicated that at some point in time, the Land Use and Codes division should be a separate department.

Mr. Mancini asked at what point in time?

Mr. Goshi stated that within a few years it should be a separate department.

Mr. Mancini asked whether there was a degree of experimentation in the transfer of functions to Land Use and Codes.

Mr. Goshi replied in the negative.

Mr. Sodehani asked Mr. Goshi to provide the Commission with a written statement of the Division's responsibilities and a suggested changes to the responsibilities.

Mr. Goshi indicated that he would comply with the request.

Board of Adjustment and Appeals

Mr. Mancini asked whether the Board of Adjustments and Appeals should remain under the Department of Planning?

Mr. Goshi responded that for consistency purposes the Board of Adjustment and Appeals should be under Public Works. However, it was the opinion of Mr. Goshi, that the Board of Adjustment and Appeals should have an independent status in order to avoid conflicting interests between the decision makers (Public Works), and the Appeals body (Board of Adjustments and Appeals). Under the independent structure, the Board would have its own staff and be functionally separated from Public Works.

Mr. Mancini asked Mr. Goshi whether he felt that deviations from the law should go to an administrative body or to court. Mr. Mancini related the Hawaii County system where only the courts could grant variances.

Mr. Goshi stated that the court process was costly and tedious. He recommended the use of the Board of Adjustment and Appeals for granting variances.

Monsignor Kekumano asked what ordinance could be written into the Charter in order to reflect the existence of the Land Use and Codes division.

Mr. Goshi responded that there was no ordinance. He stated that the basis for the Division was Section 13-15 of the Charter providing authorization to the Mayor in combining functions.

Board of Adjustment and Appeals

Mr. Mancini asked Mr. Goshi if he could identify the resulting efficiencies from the new system through the division of Land Use and Codes?

Mr. Goshi stated that currently his division can keep track of development plans and they can provide quick answers to the public. He indicated that there were still some problems with the system but in time these would be corrected.

In general Land Use and Codes now (a) knows what is happening, (b) can follow a development through its procedures, (c) building, engineering, and planning permits are issued on a more efficient basis.

Monsignor Kekumano thanked Mr. Goshi for his time and assistance.

A discussion followed as to whether a workshop should be developed concerning the many functions of the Planning department.

Mr. Mancini stated that he would follow up on the concept.

There being no further business before the Commission, the meeting adjourned at 3:45 p.m.

Next Commission meeting will be on July 7th, 1975 at 4:00 p.m. with Mrs. Jan Dapitan of the Parks and Recreation Department and Mr. Sugiichi Hiraga of the Fire Department as guest speakers.

Respectfully submitted,
Leonora Balido, Secretary