

MAUI COUNTY
CHARTER COMMISSION PUBLIC MEETING
HANNIBAL TAVARES CENTER, PUKALANI
JUNE 20, 2001
6:30 P.M.

Present:

Staff:

Terryl Vencl, Chair
Mayor

Myles Inokuma, Executive Assistant to

Robert Sean McLaughlin, Vice-Chair
Vince Bagoyo
William Fuhrmann
Gwen Hiraga
Stephen Holaday
Karolyn Mossman
Erlinda Rosario
Stephen Petro
Donn Takahashi

Excused:

Carole Ameral

CALL TO ORDER

Chair Terryl Vencl called the public meeting to order at the Hannibal Tavares Community Center in Pukalani, Maui at 6:30 P.M. The Chair gave an overview regarding the purposes, responsibilities and direction of the County Commission. Every ten years, the County Charter is reviewed by an 11-member body, appointed by the Mayor and approved by the County Council. The function of the Charter, like the U.S. Constitution, establishes the three branches of local government and specifies the responsibilities and processes of County Departments. All through August, public hearings will be held in each community with priority issues brought back to the Commission for deliberation during September, October and November. The Commission will then return to each respective community to report the conclusions of its deliberations and to request feedback during the months December and January. A report will then be submitted to the County Council by April, and final recommendations submitted to the Clerk's Office by August for the inclusion of items to be placed on the ballot for election in November 2002.

Commissioners present: Vince Bagoyo (Lanai), Bill Fuhrmann (Hana), Gwen Hiraga (Wailuku), Steve Holaday, Karolyn Mossman (Kula), Steven Petro (Molokai), Donn Takahashi, Erlinda Rosario, Vice-Chair Robert Sean McLaughlin, Chair Terryl Vencl.

Excused Commission member: Carole Ameral. Staff present: Myles Inokuma, Mayor Apana's Executive Assistant.

Rules for testimonials were given. Each person may testify for three minutes, after which a minute shall be extended for conclusion. If testimony is not completed within time frame, testifier will be invited to return after all testifiers have been given the opportunity to speak. Questions from Commission members may be asked forthwith.

TESTIMONIES

MR. JOHN KIEFFER:

The following points were made:

- 1) Neighborhood centers. In Germany, refuse is transported by individual homeowners to the end of street where garbage is sorted according to recycle bins then picked up-- a less costlier method than thrash picked up at each house, costing approximately \$78 per homeowner. Illegal dumping is an issue even visitors should be made aware of.
- 2) Fish pond restoration is a viable option and contribution to Maui's economy.
- 3) Garden centers. The County could designate land for people to grow their own food and vegetables. An annual fee of \$50 would cover costs of water.
- 4) Aesthetic appeal of cities could be enhanced by the planting of additional trees, particularly in Historic Wailuku. Mr. Kieffer commends the efforts already undergone toward the restoration of forestry.
- 5) Protection of architecture that captures a historic sense of Maui. A South Carolina ordinance was cited in that buildings over 50 years old could not be torn down or restructured.
- 6) Citing California's energy crisis, Mr. Kieffer recommended that street lights on freeways and highways be turned off and headlights used. Energy would be saved and utility expenses decrease.
- 7) Tax assessment on farmers who manage 6-10 acres with \$200-300 annual income.

MS. MARY EVANSON:

Ms. Mary Evanson recommended that the Department of Parks and Recreation have an Advisory Board or Commission (Article 8, Chapter 6). She is aware of the Mayor's endeavor to form an Advisory Board.

Commissioner McLaughlin asked her the purpose and extent of authority of a prospective Board. Accountability and community input, Ms. Evanson said, are the primary purposes of the Board. The Department would be more prompt in taking action according to the needs germane to each geographical region, represented by a regional Board member. Thus, an Advisory group that is given authority is preferred.

MR. CHARLES MAXWELL:

Born in Lahaina and raised in Kula, "Uncle" Charlie Maxwell welcomed the Commission members to Upcountry, where he has lived for the past 38 years. He recognizes the Charter Commission's clout in molding the future for the next ten years, as opposed to the Community Advisory Commission (CAC) of which he was a participant, the recommendations of which have been amended. He made the following points:

- 1) Sensible controlled growth. The Commission should coordinate its efforts with the Planning Department and CAC's revision to dictate the rate of controlled development and the allocation of water. What could take the place of verdure vista of the sugar cane industry? The development of land which was formerly sugar and pineapple fields over burial sites poses a challenge to Hawaiian culture.
- 2) Maui's Cultural Center, Historical Hui O'Pai Haiku. Areas of spiritual and cultural centers should be identified and respected, like Haleakala.

Commissioner Holaday asked whether Mr. Maxwell would endorse CAC becoming a permanent body. Mr. Maxwell recommends making "the process of CAC law and not can be changed at the whim of a developer."

Commissioner Fuhmann asked about Mr. Maxwell's experience with the Maui County Cultural Resources Commission (CRC). Mr. Maxwell said that the CRC does not have a plan. The Maui Island Burial Council, when he was Chairman, recommended a map indicating areas of high sensitivity in Maui County (i.e., sand dunes, Lower Main Street, Paukalo, and Waiehu); plan was not followed.

MR. WILLIAM CROCKETT:

Mr. William Crockett discussed the following two points:

- 1) The Charter provision of legislative term-limits weakens the legislative branch and should be eliminated. The County government is destabilized when "we can't build up a reservoir with expertise and ability in the legislative branch which you really need." The executive branch's limit to two terms, however, should remain unchanged, citing President George Washington's example.
- 2) Responding to the Maui News editorial writer of Friday June 29, 2001 who asserted that the Charter includes pro-development provisions, Mr. Crockett affirmed that the Charter has always been neutral towards development ever since the Charter was written in 1969. A second assumption underlining the article was the Commission's apparent freedom to include provisions regarding planning. Mr. Crockett emphasized the precedence of State law, which should form the framework of County Charter provisions.

MS. ELLIOT KRASH:

Streamlining the Charter with other County documents to maintain Maui County's culture, history and environment while meeting the social and economic needs of residents, Ms. Elliot Krash recommended the following:

- 1) Stagger community plan revisions. So as not to overburden the County's resources, each plan should be designated a year of program revision. For example, this year, Makawao's projects is scheduled for consideration and next year, a different community's plans examined. (Section 8, 8.3)
- 2) Professional revision of community plans. Currently, the Charter mandates that the Director revise the general plan (not the community plans). (Section 8,8.3)
- 3) During the interim period prior to Commission's review of request for revision, the Advisory Committee (or core group of CAC) should be given the opportunity to review project congruity with community plan. (Section 8, 8.6)
- 4) A permanent CACs or elected Neighborhood Board. (Section 8, 8.6)
- 5) Should planning districts (as defined in Planning Ordinances) be congruent with districts represented by Council members? For example, the Upcountry planning district which includes Makawao is represented by two Council members. Mr. Molina represents Makawao, Haiku and Paia and Council member Tavares represents Upcountry district of Pukalani to Ulupalukua.
- 6) Community plans should become law. Under Item 5, Duty of Director, the Director should ensure compliance with general and community plans. (Section 8, 8-3)
- 7) Commissions should be granted authority to ensure compliance. (Section 8, 8-4)
- 8) Infrastructure concurrence with development should be included in the general plan. (Section 8,8.5)

Commissioner Holaday asked whether the recommendation regarding infrastructure be included in the general plan or CAC. Ms. Krash recommended that the Charter should require infrastructure concurrence in both the general and community plans.

MS. GLADYS BAISA, EXECUTIVE DIRECTOR OF MAUI ECONOMIC OPPORTUNITY:

- 1) County budgeting. Change the County fiscal year so that deliberations on State and County fiscal funds do not occur concurrently. Juxtaposing the County fiscal year with the Federal fiscal year, which begins October 1st, would permit County processes to take place after State deliberations have concluded. For instance, the Public Service tax, \$4 million dollars, which was supposed to fund non-profit organizations on Maui, was held in abeyance at the County because the Legislature had not confirmed allocation.
- 2) Grants Review Process. Many non-profit organizations would like to see multi-year funding by the State interim processes. The contract actually states that the second year of funding is contingent upon the availability of funds and appropriation by the Legislature. Budgeting severely affects a non-profit administration's foresight to plan ahead. More input is expected from Council member Carol who proposed forming a committee to address non-profit budgeting.

- 3) Speaking as an individual, Ms. Baisa would like to see longer Council terms, perhaps four-year terms. Two-year terms are unproductive since the first year, for new Council members, is spent in the acquisition of knowledge regarding various issues and processes and the next year motivated in seeking reelection.
- 4) The greatest job is to educate the public regarding the importance of Charter amendments.
- 5) Copies of the Charter at the public hearings.
- 6) Citizen Advisory Committee should be given authority to effect change.

MR. ROB LAFERTEE:

A freelance writer for Haleakala Times and resident of Kula, Mr. Rob Lafertee made the following points:

- 1) The Charter should mandate a thorough review of County ordinances, State laws and U.S. Constitution before hearings are held. Decisions have been made by Commissions which violate County ordinances or State laws due to a lack of information. For instance, the Planning Commission approved the Maui Nui Dolphin Project without knowing the County Council's ordinance that eliminated certain aspects of the project. A thorough review would have minimize lawsuits against County. (I.e., Baldwin Beach development.)
- 2) The language of the Charter should be consistent with County ordinances, State laws and Constitution. For example, Humane Society officers exceed police officers' power. Their right to enter people's property without a warrant is unconstitutional.
- 3) Accountability of Boards and Commissions; Appeals process of decision-making. The Planning Commission is the sole authority on Special Management Area, Major permits. They are unaccountable to the people for their decision-making. There is no way to appeal those decisions short of litigation or going to Council to initiate a review of decision already made. He recommends that the County Council be the final authority on large-scale development along shorelines and water allocation. Charter could make process more uniform.

Commissioner McLaughlin asked Mr. Lafertee whether the Planning Commission's authority over Shoreline Management Areas should be eliminated. Mr. Lafertee stated that the decision-making appears fragmented. There are two types of SMA permits with two different venues of authority over area of development. He recommends that the Planning Commission's authority to issue final approval on any permit be eliminated, yet retain their process of making and sending recommendations to the appropriate committee. Planning Commission meetings and members are not so accessible. Recommendations sent to Committee meetings, on the other hand, are well publicized, informing Maui County of future plans.

What if the Planning Commission review were necessary but not sufficient, inquired Commissioner McLaughlin. "That is, the County Council couldn't approve a Shoreline Management permit unless the Planning Commission had, but the Planning Commission

is not the final word. So you sort of get a mix of both. You take the politics out by saying the Council can't just initiate it on their own. They need a Planning Commission approval first, but the Planning Commission approval isn't enough...It's necessary to get the Planning Commission approval, but it's not sufficient. Now the Council must act and must also approve."

Mr. Lafatee stated that it would be an extension of what the Council currently does. If project is not approved after three hearings, it automatically goes no further. If no recommendations are passed on to County Council, they would have no reason to act.

MR. ED LINDSEY:

Concentrating on Hawaii's unique cultural and environmental heritage, Mr. Lindsey made the following recommendations:

- 1) Accountability required. The system of water allocation needs to be improved.
- 2) A decision-making process should be set in place for developers and an area set aside for developers, subject to community review, Neighborhood Boards a possible option. Community members should be given the opportunity to participate in the process of decision-making, not after decision is made.
- 3) Although Hawaii Revised Statute 6E identifies and protects archeological sites, the administrative laws are wanting; the executive branch cannot carry out laws that have been deferred for 12 years.
- 4) Natural resources jeopardized due to invasive species entrance to Hawaii through airplanes. Maui's economic well being depends on the pristine condition of environment.
- 5) Lack of enforcement of County Ordinances or lack of funds to enforce. Currently, Mr. Lindsey said that planning took place by lawsuits.

MR. SKIPPY HOWE:

Mr. Skippy Howe, a biologist working for the Department of Natural Resources and speaking as an individual, made the following recommendations:

- 1) Extend candidate qualification from 90-day residency to 1-year residency. Mr. Howe would like to see candidates living in a district for a longer time period.
- 2) Water development. As an aquatic biologist, Mr. Howe recommends the need for infrastructure concurrence with development. Development is defined as any project that modifies the land. (i.e., highways, golf courses.) Maui's biggest problem is the stability of the water aquifers. If water is not developed, water allotment is severely diminished, particularly since Maui County has been averaging below-average rainfall for the past 6 years.
- 3) Drainage. The infrastructure is a high priority issue. Having grown up on Oahu, Mr. Howe can foresee the government dealing primarily with infrastructure problems and

not so much the distribution of resources, considering the increased number of people and development.

- 4) Along with drainage, near-shore waters need to be clean and protected. Streams should flow to the ocean without the enrichment and nutrients from the land. What should have been naturally taken care of by wetlands by retaining and recycling the enrichments of the land has been obstructed by the building of near-shore property. Although wetlands have been covered and cemented, wetlands actually indicate the lowest point of island and the site of water. (I.e., front of K-mart.) Flooding problems will take place there.
- 5) Sewage treatment plants; algae bloom; water shed management. Mr. Howe would like to see a conscientious effort on the part of golf course managers, plantation owners, and homeowners judiciously apply what is used on the land to keep landscape green or to keep bugs out. The West Maui Watershed project showed that time-release fertilizers and other chemicals are being picked up. With wind erosion and water erosion during heavy rainfall, nutrients go straight to the ocean. Algae is responding to the nutrients that are coming from the land.
- 6) Water Department. Understanding that the Board of Water Supply was established to remove politics, Mr. Howe would like to see an independent Department to handle water.
- 7) Fire Department. Make sure there is an adequate pressure at fire hydrants. If water is committed to the other side of the island, are water pressures being kept up? Not only for fire purposes but for water pressure.
- 8) Replace old sewage and water lines of older towns. Infrastructure (roads, sewage and water lines) needs to be replaced and planned by various Departments. Public works projects need to be paid by the public and not negotiated by developers.
- 9) Recycling Coordinator to oversee litter removal and recycle. Mr. Howe cited the lack of landfill space in Waimanalo gulch.

CONCLUSION

Community input is welcome. Commission members are available to speak at groups to inform the public about the Charter.

Chair Vencl adjourned the meeting.