

RECEIVED
Charter Commission
JUL 17 2001

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CORPORATION COUNSEL
2001 JUL 16 AM 11:15

389 Ulumalu Road
Haiku, HI 96708
July 13, 2001

Ms. Terryl Vencl, Chairperson
and Members of the
Charter Commission
County of Maui
Wailuku, HI 96793

SUBJECT: Suggested changes to the Maui County Charter

Dear Chair Vencl and Members:

The following recommendations are submitted as suggested changes to the Maui County Charter:

Chapter 14, Salary Commission

The past salary commissions have always focused on the wages of elected and appointed officials. In that focus, past commissions have established tiered wages among the various department heads and deputies.

However, in establishing the tiers the salary commissions have failed to or determined that other income benefits such as use of county vehicles, uniform allowance and other benefits were beyond its authority.

Moreover, there were at least two conflicting corporation counsel opinions regarding the commission's scope of responsibility.

Notwithstanding the above, the current charter mandates the salary commission to "determine the compensation of elected officials and appointed directors and deputy directors of all departments provided, however, in establishing the compensation of the appointed department heads and their deputies, the salary commission shall consult with those boards and commissions which have appointing authority for department heads."

To clarify the salary commission's authority, it is suggested that this chapter be amended to define compensation as total compensation.

In this fashion, the salary commission will have authority to adjust the elected and appointed officials' contribution to the health fund; sick leave and vacation accrual credits; establish IRS 457 non-contributory tax deferred separation plans; as well as automobile allowance, use of county vehicles; and uniform and other allowances. In this fashion, the

Ms. Terryl Vencl, Chairperson and Members
of the Charter Commission

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July 13, 2001

politically-sensitive wage aspect can be assuaged somewhat with the public. Additionally, it may be possible to offer degrees of flexibility to the chief executive or appointing board or commission to offer these benefits to attract qualified individuals into service with a lower wage but superior benefits.

Preamble

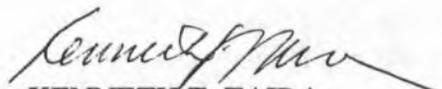
Amend the preamble to include the purpose of this County's government. In reading the preamble, it does not say why we exist. There should be a reason for our existence. Reasons could be to provide for a community where its citizens can walk in safely at any time, i.e., to provide for quick and caring emergency service; to provide for a safe environment; to assist its citizens in need; to provide needed services not provided in this county, etc.

Roles

There needs to be a clear definition of the roles between the legislative and executive branch. Over the years there seem to be a muddling of roles. Often times the council nit picks the executive branch and the executive branch tries to circumvent the dictates of the council. The suggested roles could be that the council shall be the policy makers of the county striving to meet the purpose of this government and the executive branch would be mandated to effectuate the policies established and funded by the council.

Although I am currently serving as the Deputy Director of Personnel Services, the foregoing is respectfully submitted as a citizen with almost 20 years of observation inside the county government.

Sincerely,


KENNETH T. TAIRA

Council Chair
Patrick S. Kawano

Council Vice-Chair
Dain P. Kane

Residing Officer Pro Tempore
Charmaine Tavares

Council Members
Alan M. Arakawa
Robert Carroll
G. Riki Hokama
Jo Anne Johnson
Michael J. Molina
Wayne K. Nishiki



Director of Council Services
Ken R. Fukuoka

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
July 12, 2001

RECEIVED
Charter Commission
JUL 31 2001

Honorable James "Kimo" Apana
Mayor, County of Maui
Wailuku, Hawai'i 96793

APPROVED FOR TRANSMITTAL

Brent J. Chun 7/20/01
Mayor Date

RECEIVED
2001 JUL 30 PM 1:52
OFFICE OF THE MAYOR

For transmittal to:

Ms. Terryl Vencil, Chair
and Members of the Charter Commission
County of Maui
Wailuku, Hawai'i 96793

Dear Ms. Vencil and Members:

SUBJECT: CHARTER SUBSECTION 3-8.2 (PAF 97-443)

Thank you for seeking Council members' comments on proposed Charter amendments.

May I please call your attention to Charter Subsection 3-8.2, which mandates that "the council or its members, in dealing with county employees or with county officers . . . , shall deal solely through the mayor, . . ."

As it has been interpreted by the Department of the Corporation Counsel over the years, Charter Subsection 3-8.2 requires Council members and staff to route through the Mayor any written requests for public records from any County department. The departments' responses to the requests are also routed through the Mayor before reaching the Council. In my opinion, this process creates unnecessary delays, and more important, may deny the Council access to public records. As you may know, the Uniform Information Practices Act ("UIPA") (Chapter 92 F, Hawai'i Revised Statutes) generally provides that public records shall be disclosed upon request. Moreover, any member of the public would seem to be provided with greater access to public records than Council members are provided (because members of the public can directly seek public records from County departments). This seems anomalous when one considers

Ms. Terryl Venci, Chair
July 12, 2001
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the Council members' urgent need for public records when making legislative decisions.

Additionally, the text of Charter Subsection 3-8.2 is exceptionally vague. What does "dealing with county employees" only through the Mayor mean? Taken literally, this wording could prevent Council staffers from calling or e-mailing their counterparts in the executive branch. It could even be interpreted as limiting the ability of Council members to pose verbal questions to Administration officials during public meetings. These would obviously be absurd results, creating great inefficiency. But the vague wording leaves open the possibility for such interpretations. Indeed, it has been argued that Charter Subsection 3-8.2 prevents Council members from testifying before County boards and commissions.

My assumption is that Charter Subsection 3-8.2 is intended to clarify that Council members are not part of the executive branch and should not be individually directing County employees to take any particular action. This is a laudable goal, which I wholeheartedly support. But the existing text needs to be revised or perhaps even eliminated to further that goal without creating the possibility of undue inconvenience for the Council (which could ultimately prevent Council members from adequately serving their constituents).

For your consideration, I would respectfully suggest that you consider revising Charter Subsection 3-8.2 to read as follows:¹

[Except for the purpose of inquiries under Subsection 3-6(3), the council or its members, in dealing with county employees or with county officers other than those appointed pursuant to Section 3-7 or Article 5, shall deal solely through the mayor, and] [n]Neither the council nor its members shall give orders to any [such employee or officer] county employees or county officers other than those appointed pursuant to Section 3-7 or Article 5, either publicly or privately. Any willful violation of the provisions of this subsection by a member of the council shall be sufficient grounds for his removal from office by impeachment.

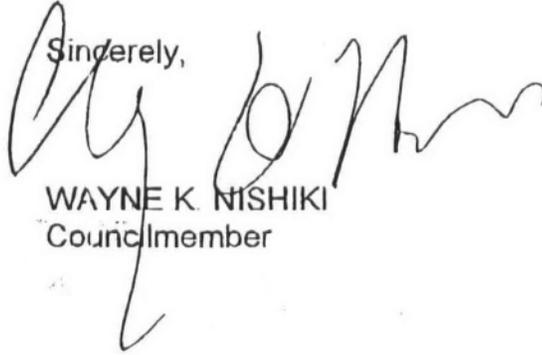
Please note that the referenced employees appointed pursuant to Section 3-7 and Article 5 are those in the legislative branch (the Office of Council Services and the Office of the County Clerk, respectively).

¹ Text proposed for deletion is bracketed. Proposed new text is underlined.

Ms. Terryl Venci, Chair
July 12, 2001
Page 3

Thank you for your consideration of my views. I may provide additional comments on this or other proposed Charter amendments at a later date.

Sincerely,



WAYNE K. NISHIKI
Councilmember

paf.dmr.97-443c

Honorable James "Kimo" Apana
For transmittal to:
Honorable Teryl Vencl, Chair
July 9, 2001
Page 2

Center and any other buildings that may be assigned say by the Mayor. Also, under the Police Department, Fire, and Housing and Human Concerns, it should be noted in the Charter they're responsible to maintain their buildings.

2. When the Charter Commission last met, the Solid Waste Division was part of the Highways Division, and as such, there's no mention of maintaining and operating landfills and or collection of trash or recyclables. I suggest that the powers, duties and functions section of the Charter, Section 8-5.3, be amended to include these activities.
3. The Charter currently makes reference to the Director only and not the Deputy Director. This may or may not be an issue, but should be discussed with the Commission's attorney.
4. Pertaining to the transfer of funds from debt service appropriations (9-10.2), we recently had an issue with this section of the Charter whereby the appropriations set aside for debt service are generally conservative and depending on loans that are taken out during the course of the year, often times these appropriations have some balance near the end of the year. It seems reasonable to me that as long as debt service payments are made, that the transfer of funds from debt service appropriations can be done administratively during the course of the year. Though the instances may be rare, the occasional transfer of funds to meet other fund balances is on occasion needed and transferring funds from debt service appropriations, as long as the debt service payments are being made, should be allowed.
5. The Section 13-9 of the Charter states that all meetings of the boards and commissions shall be held in the County Building or another publicly owned place. With the recent closure of the Kalana Pakui Building and the temporary relocation of those employees to various conference rooms, the availability of conference rooms for public meetings in publicly owned places in Wailuku was difficult at best. Subsequently, there were

Honorable James "Kimo" Apana
For transmittal to:
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meetings held in the HGEA Building in their Conference Room in that building. I can see no harm in having public meetings at privately owned conference rooms as long as the meetings are open to the public. In fact, often times privately owned meeting rooms better accommodate the public than some of our publicly owned meeting places.

6. I have three (3) suggestions for the section of the Charter discussing the Water Board. The first is to pay the Board members. I feel that by having paid Board members, we can ask the members to put in the additional time and effort that's required to run this Board. I also feel that by paying the Board members, it will "up the ante" in terms of the Board's responsibility of overseeing the Department.

Secondly, I think the provision requiring the Director or Deputy Director of the department to be a professional engineer is not needed. For a number of years now, neither the Director nor the Deputy Director of the Department of Public Works and Waste Management have been professional engineers and for the most part, the Department has run very well. Management skills are more important than engineering skills in these positions.

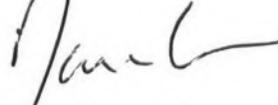
The third item has to do with the rule-making process. As far as I know, these are the only rules that are required to go to Council. Rules in other Departments, including the Department of Public Works and Waste Management, are made by public hearing, followed by publishing in the newspaper, as per the Hawaii Revised Statutes (HRS). By requiring to go to Council, and through the Mayor, we have seen very few, if any, rule changes for the Board of Water Supply for many years. Most of the rule making is very technical and having to go through an overly political process leaves us with rules that are antiquated and overly political. I suggest that the Charter Commission consider having the rules be first reviewed by the Subdivision and Engineering Standards Committee, which is a body made up of people that work in this industry and have the technical know

Honorable James "Kimo" Apana
For transmittal to:
Honorable Teryl Vencl, Chair
July 9, 2001
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how, to review such rules. From there the rules can be debated by a public hearing held by the Board, published in the newspaper, and adopted.

This concludes my comments as it relates to the Charter and should you have any further questions regarding any of my comments, feel free to contact me and I would be more than happy to discuss them with your Commission.

Sincerely,



DAVID GOODE
Director

DG:jso

c: Milton Arakawa, Deputy Director of Public Works and Waste Management
Brian Hashiro, Highways Division Chief
Lloyd Lee, Engineering Division Chief
Ralph Nagamine, Land Use and Codes Administrator
Ron Riska, Wastewater Reclamation Division Chief
Ryan Takahashi, Acting Solid Waste Division Chief

s:\david\charter

Faxed on 7/5/02



DEPARTMENT OF WATER SUPPLY
COUNTY OF MAUI

P.O. BOX 1109
WAILUKU, MAUI, HAWAII 96793-6109
TELEPHONE (808) 270-7816 • FAX (808) 270-7833 • www.mauiwater.org

RECEIVED
2001 JUL -5 PM 2:53
OFFICE OF THE MAYOR

RECEIVED
Charter Commission
SEP 17 2001

July 2, 2001

Honorable James "Kimo" Apana
Mayor, County of Maui
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

Brautyn Chew 7/6/01
Mayor Date

For transmittal to:

Honorable Terryl Vencl, Chairperson
Maui County Charter Commission
c/o Department of the Corporation Counsel
County of Maui
Wailuku, Hawaii 96793

Dear Chairperson Vencl:

Subject: Charter Commission

Thank you for your request of May 18, 2001 to submit recommendations on possible amendments to the County Charter.

Some of the policy issues I believe need resolution are as follows:

1. The charter, (Section 8-11.2 [1]), currently puts the Department in charge of "All water systems owned and operated by the county, including all county water rights and water sources . . ." This should be clarified to indicate what is intended - Potable water, non potable water, **fire water**, parks water, waste water, storm water, watershed where water is collected, "private water" or some mix of a number of the examples. If any of the above should be required to be subsidized by the water department consumer then there should be some method of recovery from those not on the water system.
2. The charter currently requires revenues of the Department to be self supporting (Section 8-11.7). "The revenues of the department shall be kept in a separate fund and shall be such as to make the department self-supporting." The charter then goes on to have an approval of rules section (Section 8-11.8) with participation in the process added to the process required in HRS Chapter 54. The charter could be specifying the method used to determine the charge and then have one stop responsibility as required by HRS §54-26 and HRS §91-3, or have a non political group, such as the PUC, review and approve the final revenue matters. The second option would require a change of state law.

"By Water All Things Find Life"

Honorable James "Kimo" Apana, Mayor
FTT: Honorable Terryl Vencl, Chairperson
Maui County Charter Commission
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July 2, 2001

3. The above comment also can be applied to rules of management, control and operation. The policymaking body, tasked with the responsibility to manage, control and operate a system, should have final authority over the rules of management, control and operation. The rule making process in Section 8-11.8 should be limited to the body having responsibility for management, control and operation and the process required in HRS §54-33 and HRS §91-3.
4. The accountability issue has been raised by previous charter commissions. The issue of accountability is definitely crucial to effective government. However, in the case of the water department, a government is not being run, a utility is being operated. It operates as a nonprofit business. Social and land planning issues should be addressed by elected officials.
5. All departments should be required to operate within the community plan not just the department of water supply.

These comments come from a staff that has had to implement numerous environmental regulations while under increased scrutiny of the EPA because of perceptions of this county trying to skirt environmental regulations. Implementation of the EPA regulations was done with less than \$5,000 in EPA fines. The asset value of the water system has more than doubled in the last twelve years with percent staff increases only equal to the percent increase in water delivered. About 50 % of the personnel increases come from having to treat surface water. The 80 plus million in projects completed by the water department was done with an average of less than 7 % increase in contracts from contract change orders. Nine new wells have been drilled or outfitted during the last ten years adding to production 10.7 million gallons per day installed pump capacity. Upcountry storage has more than doubled and the area is now able to be provided with water during drought times with out mandatory restrictions. I could go on and on with a much fuller accounting of the record of innovative solutions that have been implemented. Let me just say there is no other period in the departments history with this record of achievement.

There is no doubt in my estimation that we could have done much better if the Board had been fully semi autonomous as the other counties are rather than semi semi autonomus.

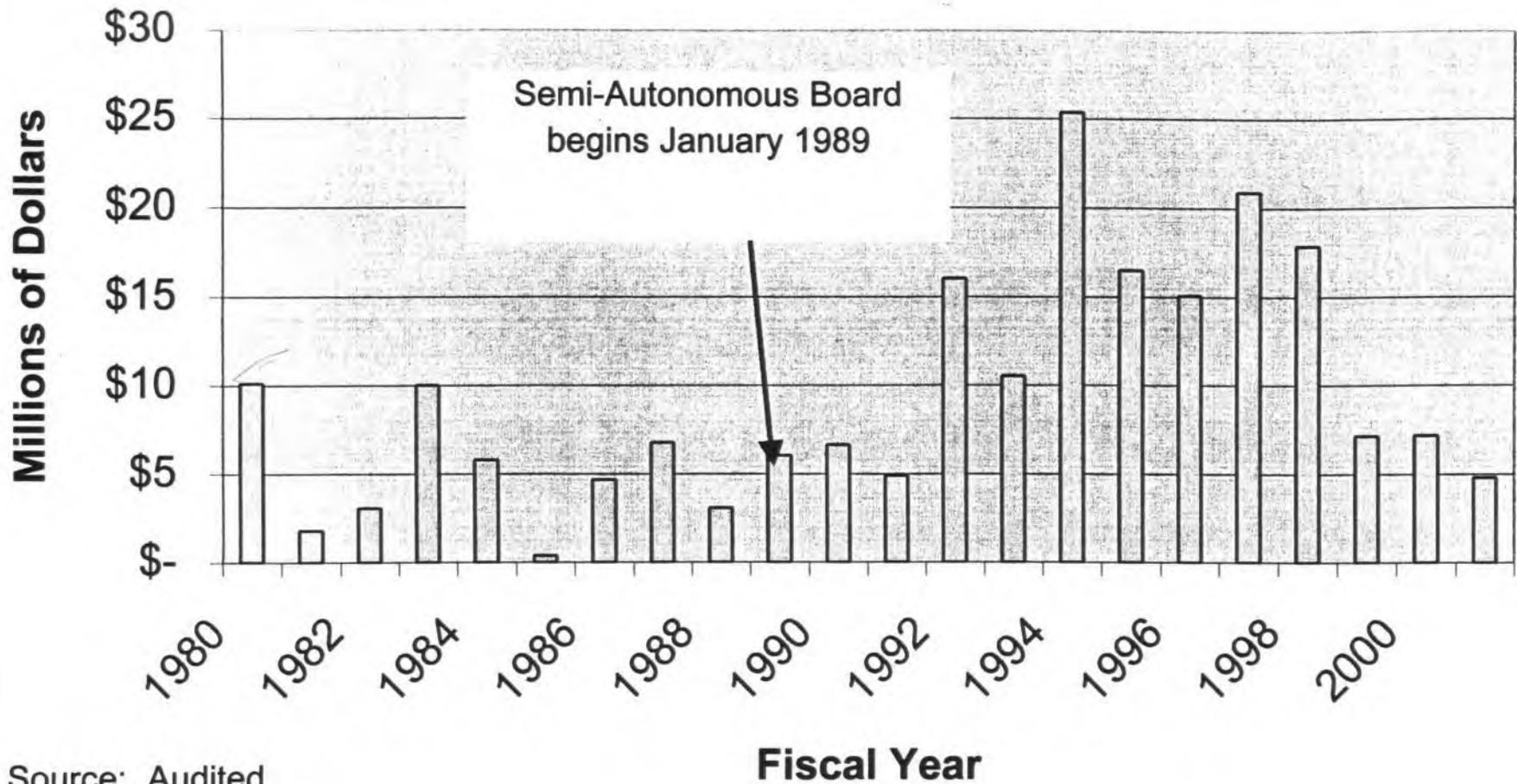
These very basic policy issues are in our estimate what need to be resolved. These comments are from department staff not the Board as a whole or any Board member that may come before the Commission in an individual capacity.

Sincerely,



David Craddick, Director
DC/jaw
copy: Peter Rice, BWS Chairperson

Annual Increase in DWS Assets



Source: Audited
Financial Statements

□ Increase in Property Plant & Equipment

Utilities with 50,000 to 150,000 metered connections.

All utilities are County/Parish or Municipal.

Total of 37 utilities.

WATER:\STATS ID	Financial Date	Reporting Structure	Ownership Type	Category
1445	12/31/98	State Regulated (NARUC)	Municipal (City/Town/	Public
1463	9/30/99	Local Government Autonomous Enterprise or Enterprise Fund	Municipal (City/Town/	Public
1235	6/30/99	Local Government Autonomous Enterprise or Enterprise Fund	Municipal (City/Town/	Public
1233	6/30/99	Local Government Autonomous Enterprise or Enterprise Fund	Municipal (City/Town/	Public
1339	6/30/98	Local Government Autonomous Enterprise or Enterprise Fund	Municipal (City/Town/	Public
1345	6/30/99	Local Government Autonomous Enterprise or Enterprise Fund	Municipal (City/Town/	Public
1365	6/30/99	Local Government Autonomous Enterprise or Enterprise Fund	Municipal (City/Town/	Public
1253	6/30/99	Local Government Autonomous Enterprise or Enterprise Fund	Other Public Ownershi	Public
4586	6/30/99	Local Government Autonomous Enterprise or Enterprise Fund	Other Public Ownershi	Public
1255	6/30/99	Local Government Autonomous Enterprise or Enterprise Fund	Other Public Ownershi	Public
1291	6/30/99	Local Government Autonomous Enterprise or Enterprise Fund	Municipal (City/Town/	Public
1273	6/30/98	Local Government Autonomous Enterprise or Enterprise Fund	Municipal (City/Town/	Public
1609	12/31/98	Local Government Autonomous Enterprise or Enterprise Fund	Municipal (City/Town/	Public
1025	9/29/99	Local Government Autonomous Enterprise or Enterprise Fund	Municipal (City/Town/	Public
1640	10/31/99	State Regulated (NARUC)	Municipal (City/Town/	Public
1637	12/31/98	Local Government Autonomous Enterprise or Enterprise Fund	County/Parish	Public
1036	9/30/99	Local Government Autonomous Enterprise or Enterprise Fund	Other Public Ownershi	Public
1037	9/30/99	Local Government Autonomous Enterprise or Enterprise Fund	County/Parish	Public
1062	12/31/99	Local Government Autonomous Enterprise or Enterprise Fund	Municipal (City/Town/	Public
6696	4/30/99	Local Government Autonomous Enterprise or Enterprise Fund	Other Public Ownershi	Public
1093	12/31/99	Local Government Autonomous Enterprise or Enterprise Fund	Municipal (City/Town/	Public
1106	12/31/98	State Regulated (NARUC)	Municipal (City/Town/	Public
1107	12/31/98	State Regulated (NARUC)	Municipal (City/Town/	Public
1675	1/3/00	State Regulated (NARUC)	Municipal (City/Town/	Public
1116	12/31/98	Local Government Autonomous Enterprise or Enterprise Fund	Municipal (City/Town/	Public
1141	12/31/98	Local Government Autonomous Enterprise or Enterprise Fund	Municipal (City/Town/	Public
1176	6/30/99	Local Government Autonomous Enterprise or Enterprise Fund	Municipal (City/Town/	Public
1200	6/30/99	Local Government General Fund	Municipal (City/Town/	Public

Utility Name	City	State	Pop Served
Anchorage Water & Wastewater Utility	Anchorage	AK	204,466.00
Huntsville Utilities	Huntsville	AL	279,430.00
Tempe Water Management Division, City of	Tempe	AZ	158,000.00
Scottsdale Water Resources Department, Ci	Scottsdale	AZ	210,000.00
Oceanside Water Utilities Department, City	Oceanside	CA	158,000.00
Oxnard Water Division, City of	Oxnard	CA	170,000.00
San Bernardino Water Department	San Bernardino	CA	171,167.00
Sweetwater Authority	Chula Vista	CA	175,482.00
San Juan Water District	Granite Bay	CA	184,045.00
Coachella Valley Water District	Coachella	CA	188,075.00
Glendale Public Service Department	Glendale	CA	192,000.00
Escondido, City of	Escondido	CA	220,000.00
Aurora Utilites Department, City of	Aurora	CO	258,875.00
Lakeland Water Utilities	Lakeland	FL	159,154.00
Cocoa Utilities Department, City of	Cocoa	FL	160,000.00
Manatee County Public Works	Bradenton	FL	231,873.00
Escambia County Utilities Authority	Pensacola	FL	232,500.00
Broward County Environmental Services	Pompano Beac	FL	265,500.00
Savannah, City of	Savannah	GA	183,000.00
Central Lake County Water Agency	Lake Bluff	IL	155,000.00
Oak Lawn, Village of	Oak Lawn	IL	243,302.00
Evansville Water & Sewer Department	Evansville	IN	155,000.00
Fort Wayne Water Utilities	Fort Wayne	IN	225,000.00
Hammond Water Works Department	Hammond	IN	256,393.00
Kansas City Public Utilities Board	Kansas City	KS	157,500.00
Shreveport Department of Water & Sewerag	Shreveport	LA	220,000.00
Ann Arbor Utilities Department	Ann Arbor	MI	163,500.00
Westland Water Department	Westland	MI	168,948.00

1222	9/30/99	State Regulated (NARUC)	Municipal (City/Town/	Public
1406	12/31/99	Local Government Autonomous Enterprise or Enterprise Fund	County/Parish	Public
6689	12/31/98	Local Government Special Revenue Fund	Municipal (City/Town/	Public
1509	9/30/99	Local Government Autonomous Enterprise or Enterprise Fund	Municipal (City/Town/	Public
1506	9/30/98	Local Government Autonomous Enterprise or Enterprise Fund	Municipal (City/Town/	Public
1491	9/30/98	Local Government Autonomous Enterprise or Enterprise Fund	Municipal (City/Town/	Public
1548	6/30/99	Local Government Autonomous Enterprise or Enterprise Fund	Municipal (City/Town/	Public
1588	12/31/99	Local Government Autonomous Enterprise or Enterprise Fund	Municipal (City/Town/	Public
1585	12/31/98	State Regulated (NARUC)	Municipal (City/Town/	Public

Springfield City Utilities	Springfield	MO	196,637.00
Montgomery County	Dayton	OH	218,000.00
Regina Municipal Engineering, City of	Regina	SK	190,000.00
Irving Water Utilities, City of	Irving	TX	183,072.00
Garland Water Department, City of	Garland	TX	203,883.00
Arlington Water Utilities	Arlington	TX	293,991.00
Chesapeake Department of Public Utilities,	Chesapeake	VA	155,820.00
Racine Water Utility	Racine	WI	200,000.00
Madison Water Utility	Madison	WI	210,000.00

Utility Information		Commissioners				Rules	Defin	
Name	Location	Legal Mandate	How are Commissioners chosen	What are their qualifications?	Are they compensated?	How is Manager chosen?	How are rules passed	Defin
Madison Water Utility	Madison Wisconsin Contact: madisonwater.org (608) 266-4651	5 member Board established by state statute and city ordinance, "under general control and supervision of the Madison Common Council."	Mayor recommends, Council approves 5 year term While a committee may suggest the names of interested people to the Mayor for consideration, most appointments are made in the following manner: An interested individual may request an application for membership from the Mayor's Office or submit a brief statement about him/herself to the Mayor, including information about his/her background and the nature of his/her interest or activity in the field of the committee's work. Supporting statements from people familiar with the individual are helpful. The submission of an individual's name through an alderperson will also increase the chances of appointment. The Mayor selects his nomination from the list of submitted and recruited names and recommends an appointee to the Council for confirmation. Once confirmed, the individual is contacted by the City Clerk and notified of the next committee meeting. The major responsibility for orientation of the new committee member currently rests with the chairperson of the committee and the staff person to that committee.			Appointed by Board of Water Commissioners, subject to approval of the Mayor and Common Council		Only provi
Chesapeake Public Utilities	Chesapeake Virginia www.chesapeake.va.us/	City Council appoints a City Manager who oversees all departments				Appointed by City Manger		Under
City of Garland	Garland Texas	"The City of Garland may own, acquire, license,				Director is an officer of the City and shall	"Council shall regulate by ordinance the rates	Water

Utility Information		Commissioners					Rules	Defin
Name	Location	Legal Mandate	How are Commissioners chosen	What are their qualifications?	Are they compensated?	How is Manager chosen?	How are rules passed	Defin
Water Utilities	http://www.ci.garland.tx.us/water/cogwtitl.htm (972) 205-3200	regulate, fix the rates, control and supervise public utilities of all kinds."				have supervision and control of the department subject to the City Manager	and compensation to be charged in furnishing water"	
City of Arlington	Arlington Texas http://www.ci.arlington.tx.us/water/ 817-459-6600	Under jurisdiction of City of Arlington	No board. No Mayor. City Manager appointed by the Council.			Department heads are hired by and responsible to the City Manager (who is responsible to City Council)	Rules and regulations adopted by ordinance. Rates fixed by City Council and shall be just and equitable	Potabl Water Servic permit indust busine discha to the sewer and tra dispos hazard ensure compl codes Federa conduc investi enforc protect and Vi enviro polluti provid preven minim connec inform to indu (anoth care of treatm Arling mainta
Coachella Valley Water District	Coachella California Cvwd.org Contact: Dennis Mahr dmahr@cv	Public agency of the State	A governing board of five members is elected for 5 general divisions for terms of 4 years each.				The district shall fix and through the general manager collect the water rates.	Water Six wa service water, storm agricul wastew

Utility Information		Commissioners					Rules	
Name	Location	Legal Mandate	How are Commissioners chosen	What are their qualifications?	Are they compensated?	How is Manager chosen?	How are rules passed	Defin
	wd.org							reclar conso Recre gener. have l produ servic
San Juan Water District	Granite Bay, California Sjwd.org Contact: Jim English jenglish@sjwd.org (916) 791-3417	Not a charter agency but a Community Services District formed under a legislative act, under the direction of Calif. Government code.	San Juan Water District is led by a five-member board of directors who are elected by the community to provide guidance, strategy and decision-making for district programs and policies.					Water retail.
Kansas City Board of Public Utilities	Kansas City Kansas www.bpu.com/ (913) 573-9012 Mark Conklin, atty. Carolyn O'Reilley	City and County Charters are unified	The Board of Directors is composed of 6 members, 3 of whom are elected at large and 3 of whom are elected by district.		Monthly salary of \$250.00	General Manager appointed by the Board	Determined by Board after public meeting	Potabl
Ann Arbor Utilities Dept.	Ann Arbor Michigan www.ci.ann-arbor.mi.us/	City Administrator (accountable to the Council) directs, supervises, and coordinates the work of the Utilities Department.	Prescribed by Council. "The creation and operation of any such board shall not serve to impair the authority and responsibility of the department head, the City Administrator, and the Council as otherwise provided in this charter."			Superintendent of Utilities is responsible directly to the City Administrator	The Council shall fix just and reasonable rates...at least adequate to compensate the City for the cost of such service.	Water
Manatee County Water	Florida www.co.manatee.fl.us Contact: Marilyn.Ott@manatee.fl.us	Not a charter agency. Authorized by Florida State Statute 180.06 "Any municipality or private company organized for the purposes contained in this chapter is authorized to provide water and alternative water supplies, including, but not limited				Approved by Board of County Administrators and County Administrator	Rates subject to Board vote	Water, reclaim waste

Utility Information		Commissioners					Rules	Defin
Name	Location	Legal Mandate	How are Commissioners chosen	What are their qualifications?	Are they compensated?	How is Manager chosen?	How are rules passed	
		to, reclaimed water, and water from aquifer storage and recovery and desalination systems for domestic, municipal or industrial uses.”						
Evansville Water & Sewer Dept.	Evansville Indiana http://www.ea2-evansville.com/	“The Dept. shall be under the control and direction of the Board of Directors of the Dept. of Waterworks of the city, hereinafter referred to as the Water & Sewer Utility Board.”	Board of Directors shall be comprised of five members, who shall be appointed by the Mayor. Members shall serve for a term of four years each in staggered terms, and shall be eligible for reappointment upon the expiration of their term. Not more than three of these members shall be of the same political party.			“The Board shall appoint the necessary management personnel who shall have the responsibility for the detailed supervision of the respective utilities and who shall be responsible to the Board for the business and technical operation of the utilities.”	“The Utility Board may establish rules and regulations concerning the facilities and operations of the Dept.” “The Utility Board may fix the rates to be charged for water or other services...All rates, rules, and regulations are subject to the approval of the Public Service Commission or any	Water

Utility Information		Commissioners					Rules	
Name	Location	Legal Mandate	How are Commissioners chosen	What are their qualifications?	Are they compensated?	How is Manager chosen?	How are rules passed	Defin
							other regulatory body having jurisdiction over such matters."	
Lakeland City Water Dept.	Florida Contact: Tim McCausland, Chief Asst. City Atty. Timoty.mccausland@lakelandgov.net www.waterutilities.lakelandgov.net (water admin.)	Enterprise Fund Dept. of the City and answer directly to the City Manager. (Mayor is elected but the City Manager basically runs the city) City government is authorized to operate utilities. Refer to Manatee County above for State Statute	Seven member commission.					Lakeland right to service territory the ci
Denver Water Dept.	Colorado	Charter of City and County of Denver authorizes Denver Board of Water Commissioners to have and exercise all the powers of the City and County of Denver.	"non-political Board of Water Commissioners of five members, to have complete charge and control of a water works system and plant for supplying the City and County of Denver and its inhabitants with water for all uses and purposes..." Appointed by the Mayor	US citizen, Denver resident, at least 25 years old.	\$600.00/year, \$25 deducted for each missed meeting. Each commissioner must give a \$5000 bond.	Manager designated by Board.	"Board shall fix rates...(which) shall be as low as good service will permit."	
Fort Wayne	Indiana http://www.ci.fortwayne.in.us/city_utilities/ (219) 427-1381	City's Dept. of Public Works	Board of Public Works				Rates set pursuant to tariff	Water, stormw
Anchorage	Alaska Mark Premo (907) 786-5502	The Municipality owns and operates the water utility. A utility commission that reviews water and wastewater service policies and practices and submits recommendations on necessary expansions and	Assembly confirms all appointments to Municipal Boards and Commissions.				Under Mayor and Assembly	Water

Utility Information		Commissioners					Rules		Defin
Name	Location	Legal Mandate	How are Commissioners chosen	What are their qualifications?	Are they compensated?	How is Manager chosen?	How are rules passed	Defin	
		improvements.							
Huntsville Utilities	Alabama (256) 535-1200	Huntsville Utilities is owned by the City of Huntsville. Huntsville Utilities is actually three separate Systems operating under three Boards appointed by the City Council. The Gas, Water and Electric Systems share top management, customer services, billing, meter reading, accounting and purchasing. Each System pays its share of these expenses and has its own financial reports.							
Tempe Water	Arizona Assistant City Attorney assigned to Water Utilities, Charlotte Benson (480) 350-2813	City Manager directs operations of the city, including Water Utility. He is under Mayor and Council.						water, irrigation and hy	
Scottsdale Water Resources	Arizona http://www.ci.scottsdale.az.us/water/ ? David Mansfield, General Manager (480) 312-5681	Scottswater Company is a non-profit corporation formed to assist the City in providing water service to its citizens and customers by serving as the general partner of the entity that owns and operates the City's CAP Water Treatment Plant. The Board of Directors is responsible for monitoring the City's	Board and commission members are appointed by the City Council and serve three-year terms.	All members of appointive boards or commissions shall at the time of their appointment be a resident of the city, and shall maintain this residency for the duration of their term in office. No member of a board or commission shall		Water Resources Manager is under Assistant City Manager, who is under City Manager under Council and Mayor.	The city shall have full power to and may prescribe just and reasonable classifications to be used and just and reasonable rates and charges to be made and collected by all corporations rendering public utility service within the corporate	Water : Operat respons operati mainten of the v distrib and tre as well wastew and tre	

Utility Information		Commissioners					Rules	Defin
Name	Location	Legal Mandate	How are Commissioners chosen	What are their qualifications?	Are they compensated?	How is Manager chosen?	How are rules passed	Defin
		compliance with its obligations to operate the CAP plant.		serve for more than six consecutive years on that board or commission.			limits of the City of Scottsdale as now or hereafter constituted, except public service corporations as such corporations are defined and the regulation thereof delegated to the Arizona Corporation Commission by article XV, section 2, Arizona Constitution.	
Sweetwater Authority	Chula Vista California www.sweetwater.org (619) 420 - 1413	Sweetwater Authority is a publicly owned water agency with policies and procedures established by a seven-member Board of Directors	The Sweetwater Authority governing board, or board of directors, is composed of seven members. Five directors are elected by division by the citizens of the South Bay Irrigation District. Two directors are appointed by the Mayor of National City, subject to City Council confirmation. The governing board establishes policies and procedures for Sweetwater Authority operations.			Authority's Governing Board determines General Manager.		
City of Aurora Utilities	Aurora Colorado (303) 739-7370 www.ci.aurora.co.us (under Utilities)	Council chooses City Manager who oversees Utilities Dept.	Citizens' Advisory Utilities Budget Committee: 7 members, 3-year term. Must be a resident, registered voter, and have the necessary qualifications to review complex legal engineering and utility financing issues. Purpose of Committee is to conduct studies of all phases of the Utilities Department budget and make recommendations and reports to City Council.			Selected by City Manager	Rates, rules, tap fees are set by ordinance.	Water, drainage
Escambia County Utilities Authority	Florida http://www.ecua.org/ ECUA Board Secretary, Ms. Linda	Created in 1981 by an Act of the Florida Legislature to own, manage, finance, promote, improve and expand the water and wastewater systems of Escambia County and the	Each member of the Board is elected within one of the five County electoral districts, and serves a staggered term.					Water, sanitation

Utility Information		Commissioners					Rules	Defin
Name	Location	Legal Mandate	How are Commissioners chosen	What are their qualifications?	Are they compensated?	How is Manager chosen?	How are rules passed	Defin
	Iversen, at (850) 476-5110, ext. 2105 or at liversen@ecua.org.	City of Pensacola. The ECUA also began offering sanitation services in Escambia County in 1992. ECUA is a local government body, existing under the laws of the State of Florida. The powers of the ECUA are exercised by a five-member Board.						
Shreveport Office of Water and Sewerage	Louisiana 318-673-7620	The City of Shreveport established the Department Of Water and Sewerage ("DOWAS") in 1987. On July 13, 1999, this department was combined with the Department of Public Works, Department of Fleet Services and the Permits & Inspections Bureau to form the Department of Operational Services. The Chief Administrative Officer is the chief assistant to the Mayor and is responsible for the coordination of day-to-day activities. All department heads report directly to the Chief Administrative Officer.	Appointed by mayor, confirmed by council			(a) The head of the department shall be the director of water and sewerage as provided in Article 12 of the city Charter, and he shall be appointed as provided in Article 8 of the city Charter. (appointed by the Mayor) (b) The offices of deputy director, assistant director of administration, environmental affairs manager and division managers are hereby created for the department of water and sewerage. The mayor shall appoint, after recommendation from the director of water and sewerage, the positions stated herein, subject to confirmation by the city council.	Duties and responsibilities of Department are assigned to it by ordinance or by other authority (Mayor makes rules, regulations and ordinances of the City.) Director makes rules and regulations concerning the sale and use of water, the connection with and use of sewer facilities in the city, the collection of charges for water and sewer use, and related matters, which when approved by the council shall have the force of an ordinance.	Water
City of Dayton Department of Water	Dayton Ohio Director: William Zilli Phone:	From 1913 Charter, the City Manager is hired by City Commission and manages 15 City Departments				Appointed by City Manager		potabl waste and st servic

Utility Information		Commissioners					Rules	
Name	Location	Legal Mandate	How are Commissioners chosen	What are their qualifications?	Are they compensated?	How is Manager chosen?	How are rules passed	Defin
	(937) 333-3734 http://www.ci.dayton.oh.us/water/							
Central Lake County Joint Action Water Agency	Lake Bluff, Illinois 847-295-7788	The Central Lake County Joint Action Water Agency (CLCJAWA) is an intergovernmental cooperative composed of nine members representing 12 communities in Lake County, Illinois.	The Board is comprised of an elected official from each of CLCJAWA's members.				This is a completely independent water system	Drink

June 26, 2001

RECEIVED
Charter Commission
JUL 02 2001

Ms. Terryl Vencl
Chair, Maui County Charter Commission
County of Maui
200 South High Street
Wailuku, Maui, Hawaii 96793

Dear Ms. Vencl:

SUBJECT: RECOMMENDED AMENDMENTS TO MAUI COUNTY
CHARTER TO THE CHARTER COMMISSION

I am a working professional licensed civil engineer with over 30 years combined government service with the State Department of Transportation, Highways Division and the County of Maui, Department of Public Works and Waste Management.

I would like to recommend the following amendments to the existing Maui County Charter as denoted below:

1. Amend heading of Chapter 5, page 22 to read: **DEPARTMENT OF PUBLIC WORKS [AND WASTE MANAGEMENT]**. The term "Waste Management" is cumbersome and no longer necessary. The department has five divisions to include Wastewater Reclamation, Highways, Land Use and Codes Administration, Solid Waste and Engineering which are all within the definition of "Public Works";
2. Amend "**Section 8-5.1. Organization.**" to read: "There shall be a department of public works [and waste management] consisting of a director, a **deputy director**, and the necessary staff." The "deputy director" should be added to clarify qualifications and responsibilities in the Maui County Charter;
3. Amend "**Section 8-5.2. Director of Public Works and Waste Management.**" to read: "**Section 8-5.2. Director and Deputy Director of Public Works [and Waste Management]**. The director and the **deputy director** of public works [and waste management] shall be appointed and removed by the Mayor. The director and **deputy director** of public works [and waste management] shall have had a minimum of five years of experience in an administrative capacity, either in public service or private business, or both, and **shall both be a registered professional civil engineer in the State of Hawaii for the term of this appointment.**" This recommendation would upgrade the integrity of Maui County as to the highly complex engineering knowledge that is required to manage this position. The director and deputy director of the County of Maui is the **ONLY** county

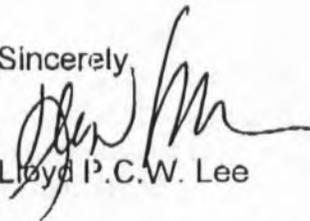
within the State of Hawaii that have **non-licensed professional engineers** managing the Department of Public Works. The Counties of Kauai and Hawaii, and the City and County of Honolulu have licensed professional civil engineers. The State Director of Transportation and his three deputies are required to be licensed professional engineers. If the County of Maui is to succeed in successful communication, planning and coordination of infrastructure improvements, our leaders must be professional engineers to communicate in engineering terms: our needs and goals for our future.

4. Amend "**Section 8-5.3. Powers, Duties, and Functions.**" to read: "The director **and the deputy director** of public works [and Waste Management] shall:". This amendment further clarifies the responsibilities of the deputy director in absence of the director or in coordination with the director.

These amendments would upgrade the Department of Public Works status equal to other state and local governments in the State of Hawaii.

I would be pleased to discuss these concerns in detail if you desire. Please call me at 871-7611. Thanks for your cooperation and speedy concurrence.

Sincerely



Lloyd P.C.W. Lee

6/20/01

~~ALPHA~~
AS VENCEL ..

I AM INTERESTED IN THE PROPOSED CHANGES
TO THE COUNTY CHARTER.

CAN YOU SEND ME A BREAKDOWN, AN OUTLINE,
AN OVERVIEW OF THESE ACTIONS & THE IMPACT
ON THE FUTURE OF LIFE ON MAUI -

----- 01117 -----
WHATEVER YOU HAVE AVAILABLE, I AM NOT
ABLE TO ATTEND THE SCHEDULED MEETINGS DUE
TO LEGAL COMPLICATIONS, YET, I REMAIN VERY
MUCH CONCERNED WITH THE PLAN FOR MAUI.

CHANGE IS INEVITABLE,
PROGRESS IS OPTIONAL!!

THANKS,

PAGE 5. RONNING, #A4005269
MCC - 600 WAIALE DR.
WAIKUKU, HI
96793

JAMES "KIMO" APANA
Mayor



JAMES B. TAKAYESU
Corporation Counsel

DEPARTMENT OF THE CORPORATION COUNSEL

COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
TELEPHONE: (808) 270-7740 FAX (808) 270-7152

June 27, 2001

Ms. Terryl Vencl
Chair
Maui County Charter Commission
Office of the Mayor
200 South High Street
Wailuku HI 96793

Re: Charter Commission

Dear Ms. Vencl:

Your correspondence regarding any input the Police Commission may have was addressed at the meeting of June 20, 2001. At that meeting, there was an indication by the members that they indeed would like to recommend at least one change, possibly more, to the Charter. However, that discussion was not on the agenda and had to be postponed until the next meeting on July 18th.

I was asked by the Commission members to request an extension of time regarding the Commission's recommendations until late July, early August, so that they may be properly drafted and formatted. If this acceptable, please notify me at your earliest convenience so that the issue can be calendered on the next agenda.

If you have any questions, please call.

Very truly yours,

A handwritten signature in black ink, appearing to read "Victoria J. Takayesu", with a long horizontal flourish extending to the right.

VICTORIA J. TAKAYESU
Deputy Corporation Counsel

s:\all\vjt\policecommission\chartercomm
xc: Connie Funari

PUBLIC SAFETY COMMISSION
COUNTY OF MAUI
200 DAIRY ROAD
KAHULUI, HI 96732

RECEIVED
Charter Commission
JUN 29 2001

June 22, 2001

Honorable James "Kimo" Apana
Mayor, County of Maui
200 South High Street
Wailuku, HI 96793

For transmittal to:

Terryl Vencl, Chair
Maui County Charter Commission
County of Maui
Wailuku, HI 96793

APPROVED FOR TRANSMITTAL

Mitchell Waples
Date 06/27/01

RECEIVED
2001 JUN 26 PM 3:11
OFFICE OF THE MAYOR

Dear Chair Vencl:

On behalf of the Public Safety Commission, we would like to thank the Charter Commission for your notification regarding any comments relating to amending the Maui County Charter.

As Chair of the Public Safety Commission, our members have some concerns regarding the proposal of a Fire Commission.

1. What would happen to the current Public Safety Commission.
2. Will the Civil Defense Agency be governed by the Fire Commission.

Your response to this commission will be greatly appreciated.

Sincerely,



ROCHELLE KNIGHT
Chair
Public Safety Commission



DEPARTMENT OF LIQUOR CONTROL

C O U N T Y O F M A U I

2145 KAOHU STREET, ROOM 107 • WAILUKU, MAUI, HAWAII 96793
PHONE (808) 270-7753 • FAX (808) 270-7558

June 6, 2001

Terryl Vencil
Charter Commission
County of Maui
200 High Street
Wailuku, Hawaii 96793

Dear Ms. Vencil:

The Department is submitting the following proposed changes to the Maui County Charter for Charter Commission's review and consideration.

CHAPTER 13

DEPARTMENT OF LIQUOR CONTROL

Section 8-13.1 Organization. There shall be a department of liquor control consisting of a liquor [control] commission, a liquor control adjudication board, a director of liquor control, and the necessary staff.

Section 8-13.2 Liquor [Control] Commission. The liquor [control] commission shall consist of nine members appointed by the mayor with the approval of the council.

The liquor [control] commission shall:

1. [Prepare and] submit a request for an annual appropriation for the operation of the department.
2. Adopt rules having the force and effect of law for the administration of liquor control in the county and to carry out provisions of the liquor [control] laws of the State, including, but not limited to, the fixing of liquor license fees.
3. Grant, renew or refuse application for licenses for the manufacture, importation and sale of liquor in the county under applicable laws and regulations.

Council Chair
Patrick S. Kawano

Council Vice-Chair
Dain P. Kane

Presiding Officer Pro Tempore
Dennis Y. Nakamura

Council Members
Michael A. Davis
J. Kalani English
John Wayne Enriques
G. Riki Hokama
Wayne K. Nishiki
Charmaine Tavares



Director of Council Services
Ken R. Fukuoka

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793

June 30, 2000

Honorable Patrick S. Kawano
and Members of the Council
County of Maui
Wailuku, Hawai'i 96793

Dear Chair Kawano and Members:

**SUBJECT: PROPOSED CHARTER AMENDMENT TO
CORRECT ERROR IN CODE OF ETHICS (PAF 00-
169)**

A Charter amendment to add Subsection 10-4.4 to the Code of Ethics, as proposed by the Charter Commission, was approved by the voters in 1992. The amendment's primary purpose was to clarify that County officers and employees shall not be denied the right to testify before County agencies in appropriate circumstances. According to the Charter Commission meeting minutes of August 6, 1992, the Charter Commission intended to not only add a new Subsection 10-4.4 to the Code of the Ethics, but to also eliminate inconsistent language by deleting Subsection 10-4.1.d in its entirety. The intended deletion is not reflected in the current version of the Charter. This error should be corrected to avoid unnecessary confusion when trying to interpret the Code of Ethics.

May I request that this matter be referred to the appropriate committee for further consideration.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Wayne K. Nishiki", with a long horizontal flourish extending to the right.

WAYNE K. NISHIKI
Councilmember

Council Chair
Patrick S. Kawano

Council Vice-Chair
Dain P. Kane

Presiding Officer Pro Tempore
Dennis Y. Nakamura

Council Members
Michael A. Davis
J. Kalani English
John Wayne Enriques
G. Riki Hokama
Wayne K. Nishiki
Charmaine Tavares



Director of Council Services
Ken R. Fukuoka

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
November 28, 2000

Honorable James "Kimo" Apana
Mayor, County of Maui
Wailuku, Hawai'i 96793

For transmittal to:

Charter Commission
County of Maui
Wailuku, Hawai'i 96793

Dear Charter Commission:

**SUBJECT: SPECIAL VOLUNTEER COMMISSION TO
INVESTIGATE DISTRICT VOTING FOR MAUI COUNTY
(COW-54)**

As indicated in County Communication No. 97-24 (attached), a member of the public has recommended that district voting for County elections be investigated. This recommendation was referred to the Committee of the Whole, which has not taken a position on it. Therefore, I would like to request that the Charter Commission consider the recommendation.

May I further request that the following individual be notified of any Charter Commission meetings on this subject:

Jason Schwartz
PMB 208, P.O. Box 356
Pa'ia, HI 96779

Thank you for your attention to this matter. Should you have any questions, please contact me or my Committee staff (David Ratz or Yvette Bantilan) at the Office of Council Services (270-7838).

Sincerely,

DAIN P. KANE, Chair
Committee of the Whole

cow:ltr:54a01:dr
Attachment

cc: Brian T. Moto, Deputy Corporation Counsel (w/attachment)

700 11/27 AM 9:05
CORPORATION COUNSEL