

JAMES "KIMO" APANA
Mayor



RICHARD T. BISSEN, JR.
Prosecuting Attorney

BENJAMIN M. ACOB
First Deputy Prosecuting Attorney

DEPARTMENT OF THE PROSECUTING ATTORNEY
COUNTY OF MAUI
150 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
PHONE (808) 270-7777 • FAX (808) 270-7625

RECEIVED
Charter Commission
MAR 12 2002

March 11, 2002

Ms. Terryl Vencl, Chair
Maui County Charter Commission
c/o Office of the Mayor
County of Maui
Wailuku, Hawaii 96793

Re: Amendment to Chapter 3, Section 8-3.3
of the Maui County Charter

Dear Ms. Vencl:

I respectfully request that an amendment be made to Chapter 3, Section 8-3.3 of the Maui County Charter. The amendment would revise that section to read: "Appoint such deputy prosecuting attorneys and necessary staff as shall be authorized by the council. Deputy prosecuting attorneys shall be exempt from civil service and shall serve at the pleasure of the prosecuting attorney. The prosecuting attorney may appoint investigators who shall have the powers and privileges of a police officer while acting within the scope of their duties as investigators. (New proposed material underlined).

Until 1988, Section 62-78 of the Hawaii Revised Statutes had provided the "county attorney", who was the public prosecutor for the County, to appoint an investigator and provided that "[a]ny investigator so appointed shall have all the powers and privileges of a police officer of the county." In 1987, the Attorney General issued an opinion wherein it stated that the special and local laws pertaining to the powers of the counties found in Chapters 61 through 70 of the HRS were violative of Article VIII, Section of the Hawaii Constitution.

Terryl Vencl, Chair
Maui County Charter Commission
Page Two
March 11, 2002

Thus in 1988, Chapters 61 through 70 were repealed and Chapter 46 was amended to include a new section entitled "General powers of the counties." Currently, Section 46-1.5(17) of the HRS provides that "[e]ach county shall have the power to provide by charter for the prosecution of all offenses and to prosecute for offenses against the laws of the State"

The repeal of Chapters 62-78 of the HRS did not mean that police powers for investigators should be abolished. Given the reason for the repeal of those chapters, it only meant that the county, through the county charter, is the proper body to empower investigators with police powers. Indeed, the City and County of Honolulu, County of Kauai, and Hawaii County have given their investigators police powers through their respective charters. Currently, the County of Maui is the only county whose investigators lack police powers.

Police powers and privileges include injury on duty benefits, execution of arrest warrants and material witness orders, the ability to conduct extraditions, and the ability to carry firearms. The only power or privilege which appears controversial is the ability to carry firearms. Nevertheless, the duties and responsibilities of an investigators, the nature of work of the office of the prosecuting attorney, and societal trends all support the extension of that particular power to our investigators.

Investigators perform many of the same functions as police detectives. Although not initiating cases or identifying and apprehending suspects, investigators are typically asked to handle evidence, examine crime scenes, interview witnesses and complainants, take photographs, and do many other tasks associated with follow-up investigations. Unlike detectives, investigators are often called upon to serve subpoenas, transport local witnesses, work closely with deputy prosecuting attorneys, and take an active role in preparing criminal cases for trial.

In the course of performing their duties and responsibilities, investigators frequently encounter hostile witnesses, recanting complainants, and disgruntled defendants or members of defendant's families. Investigators regularly interact with and are exposed to career criminals, drug users,

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Terryl Venci, Chair
Maui County Charter Commission
Page Three
March 11, 2002

people with mental health problems, gang members, and the areas that these people frequent. Investigators are called to remote locations, sometimes after hours, and are oftentimes in a position of providing security for non-streetwise attorneys. The volatility of the people and the uncertainty of the situations an investigator typically encounters supports their carriage of defensive arms.

The nature of the work in a prosecuting attorney's office also supports the wisdom of investigators with police powers. Many people, especially those with ties to crime or criminal defendants, harbor animosity towards the prosecution. Prosecutors and the investigators that assist them deprive defendants of their freedom, forfeit their property, force them to pay restitution to their victims, and hold them up to public scrutiny. These activities are easily construed as personal affronts by the criminal element. Additionally, valuable property, contraband, and other physical evidence that may serve a critical role in a successful prosecution may be present in the office at various times. Evidence transportation and security falls to the investigators as does the protection of witnesses who fear retaliation or reprisal for their cooperation with the State. Allowing investigators police powers should not only safeguard personnel, but also the dispensation of justice in that our office would have the ability to thwart opposition from even the most nefarious of criminal defendants.

Currently, police officers now have to accompany investigators on certain tasks where the investigators could accomplish such tasks without the assistance from the police department if the investigators were empowered with police authority. The investigators effectiveness is curtailed and their safety put at unnecessary risk because of their inability to make an arrest and carry firearms.

For all of the foregoing reasons, we respectfully request the amendment of Chapter 3 Section 8-3.3 of the Maui County Charter as suggested above.

Terryl Vencl, Chair
Maui County Charter Commission
Page Four
March 11, 2002

Should you have any questions concerning the above, please do not hesitate to contact me at 270-7777.

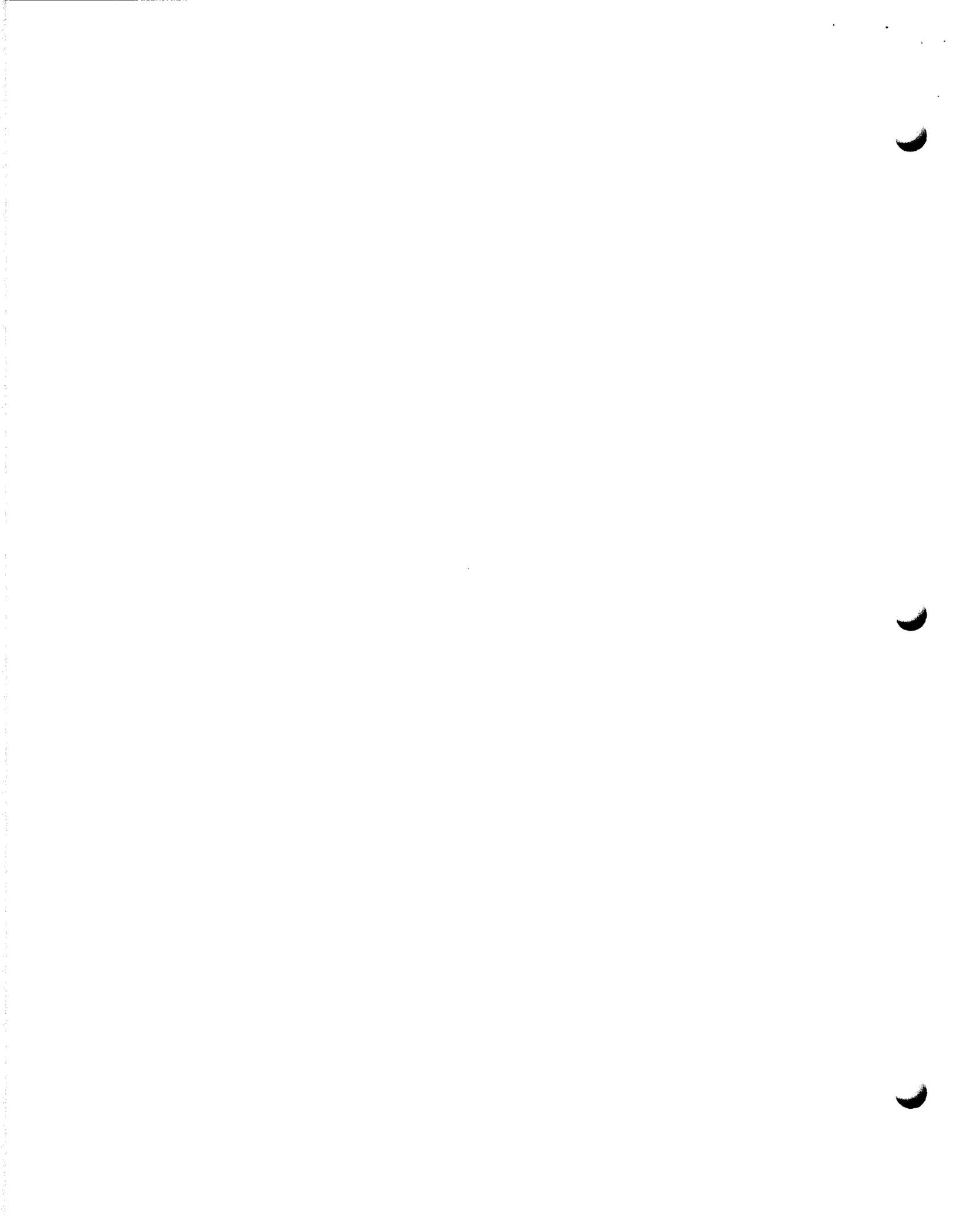
Thank you for your attention to this matter.

Very truly yours,



RICHARD T. BISSEN, JR.
Prosecuting Attorney

RTB:gat



RECEIVED

MAR 08 2002

Jim Smith
P.O. Box 790403
Paia, Maui, Hawaii 97779

March 5, 2002

Ms. Terri Vencl, Chairperson and
Members of Maui County Charter Commission
County of Maui
Wailuku, Maui, Hawaii 96793

Re: Proposed amendments to Article 3, **County Council**

Dear Ms. Vencl and Members,

The Maui News on March 5 included an editorial that I hope you will carefully considered. (See Attachment 1)

The Office of Corporation Counsel has been ineffective in preserving the sense of impartiality we assign to the judicial branch both from inside and out. And it seems an adjustment to the structure in this regard may help.

In 1996 and 1997 a friend was involved with a complaint regarding use of agricultural property for a Bed and Breakfast establishment. His name was David S. Ferguson. I am enclosing a letter from Corporation Counsel Joseph Wolsztyniak repending to Mr. Ferguson's inquiry and a letter to the party operating the establishment. (See Attachment 2 and 3) Its important to note that HRS 205 provides that uses not expressly permitted are prohibited on agricultural land. (paragraph 4 of the Ferguson letter references page 2 of the Koebke letter) and also the attorney claims a power that may not be his, namely that he holds more than advisory status allowing him to preempt statutory authority in settling a dispute before the Board of Varience and Appeals.

It would seem public trust as it relates to the very structure of our political system is at risk and needs your attention. I submit to you an amendment to Article 3 County Council based upon information I have submitted in the past regarding an office of public justice, response to the choas we find ourselves approaching.

Sincerely,


Jim Smith

The Maui News

Charter sets up loyalty conflict

At least one member of the County Council is calling for an investigation of the actions performed by the Office of the Corporation Counsel and is discontented with the head of the Planning Department. Sound familiar? For the past two decades, there has been at least one occasion in which the council has gotten at cross-purposes with the administrations headed by Hannibal Tavares and Linda Lingle. Now it's the James "Kimo" Apana administration's turn.

The County Charter says the corporation counsel "shall be the chief legal advisor and legal representative of the council, the mayor, all departments, all boards and commissions, and of all officers and employees in matters relating to their official duties." The charter says the planning director "shall serve as the chief planning officer of the county and as the technical advisor to the mayor, council and planning commissions on all planning and related matters." Both of those mandates might be considered too encompassing.

The charter lists of "Powers, Duties and Functions" of both the corporation counsel and the planning director concludes with saying the corporation counsel and planning director "shall perform such other duties and functions as shall be assigned by the mayor." That proviso might result in council members believing they are something less than in charge.

Instead of wasting time and energy on investigating a specific instance of alleged administrative misfeasance, the council could come up with charter amendments that would detail the legal relationship between the county's legislative and executive branches, or it could do what many legislative bodies do and set up its own legal office. With a staff attorney or an attorney on retainer, the council would not be limited to consulting with individuals who were appointed by the mayor.

Coming up with charter amendments would be cumbersome and having its own legal representation would be expensive, but either approach might more clearly define the separation of powers and responsibilities without a lot of in-house wrangling, election year or not.

ATTACHMENT 1

Maui News

Maui's Newspaper Since 1900

50 CENTS

3/3/02



The Maui News / MATTHEW THAYER photo

Corporation counsel's role questioned by councilors

Way Maalaea water park,
minigolf handled triggers
call for an examination

By MARK ADAMS
Staff Writer

WAILUKU — The recent controversy over a proposed water park and miniature golf course at Maalaea has led some Maui County Council members to question the allegiance of county attorneys.

Council members decided Friday to ask the Maui Planning Commission to defer any action on the Maalaea Golf and Water Park until the council has a chance to investigate both the project and recent actions of the Office of the Corporation Counsel.

There are two issues involved:

First, did the administration act properly in giving an initial OK to proceed with a project? Critics say the project is significantly different from the one originally covered under Maalaea Triangle Partnership's special management area permit. The original project was to have been a two-story office building.

But the second, larger question is tied to Council Member Jo Anne Johnson's request for an investigation of actions taken by the Office of the Corporation

Counsel and the county Planning Department in advising the developer, Pacific Isle Group, that it was OK to proceed with the golf and water park project.

Johnson says she has received contradictory information from different county attorneys, including Corporation Counsel James Takayesu, who heads the department.

She also thinks that a decision by county Planning Director John Min to ask the Maui Planning Commission to decide whether the previously issued SMA covers the project — including a declaratory ruling on whether the SMA permit has lapsed because of a five-year time limit — circumvents her attempt to investigate the matter.

"The conflicts that this situation brings forward are serious and call for an investigation," she said in her letter asking the council to look into the issues raised.

On Friday, the council received a lengthy written response from Takayesu that was delivered to council members minutes before Johnson's request for an investigation.

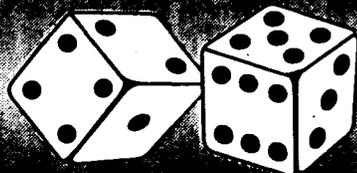
After a quick read of the memo, Johnson said she believed it contained some

See CORPORATION COUNSEL
on the next page

not like good old days

DeCoite rode her horse Stowie through the heart of town Friday near the end of a ride to Rice Park and back. DeCoite left the horse and she longs for the days when there were pineapples in the country. "Before, we could go in the pineapple fields and there were signs all over, and there is no place to ride. All my friends (who had keys to pastures) have all moved away." Despite all the changes and hustle and bustle, it was still nice to have him for a cruise around town.

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The Maui News

Maui News

No. 21,370 ISSN 8750-457X
News is published daily by Maui News at 100 Mahalani St., Wailuku,

Kahului, Hawaii, and additional addresses changes to 100 Mahalani Street, Wailuku, HI

Press - the AP is entitled to circulation of all the local news printed in all AP reports.

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Corporation counsel

Continued from Page A1

misrepresentations and asked that the council's Committee of the Whole investigate the issues involved as quickly as possible.

"The manner in which this was handled greatly concerns me at this point," Johnson said. At one point, she said Deputy Corporation Counsel Richard Minatoya sent an e-mail to the developers authorizing them to proceed with the project.

"It's not corporation counsel's role to issue that authorization," she said. "What is corporation counsel doing when they grasp that authority?"

Two other council members said they also had concerns.

Council Member Wayne Nishiki said his brief assessment of the controversy leads him to wonder if county attorneys breached confidentiality when first dealing with Johnson's questions and then "sharing things" with the developer, who was then sent to the Maui Planning Com-

mission.

"Who is corporation counsel serving?" he asked.

Council Member Alan Arakawa called the situation "a really sticky issue."

He said this is the latest instance in which the administration has rushed to the planning commission to rectify administrative decisions that have been made and then questioned. He was referring in part to the Montana Beach condominium dispute, where an administrative approval for a project on the beach in Paia was later rescinded.

He asked that the council take the current case up prior to the planning commission meeting on the subject.

Acting Council Chairwoman Charmaine Tavares - sitting in for Council Chairman Pat Kawano, who is at Maui Memorial Medical Center after undergoing another surgery for an infected foot - said she would send a letter to the planning commission asking that the Maui Golf and Water Park project be deferred until after the council's Committee of the Whole takes up the issue.

A date for that committee discussion has not been set.

This is not the first time the allegiance issue has been raised. The council and former Mayor Linda Lingle had a similar spat in the 1990s.

In his memo, Takayesu said the role of government attorneys is a difficult one, a balancing act representing the interests of "political actors" that include the council, board and commission members, department heads and the mayor.

What makes the job most difficult is when a client "adopts the view that the government attorney is 'my attorney' ... who should provide legal advice that furthers the political player's personal views, goals or aspirations," Takayesu said in his memo.

According to Takayesu, the allegiance of county attorneys is straightforward: "Government attorneys must never forget that their loyalty and fidelity must always remain focused on the interest of the public entity, the County of Maui."

There are provisions in existing law for the council to hire its own legal staff if it

desires, Takayesu said.

He noted that the state Legislature has its own set of lawyers, and the state attorney general's office does not get involved with legislation until after bills are acted upon.

"If the council wishes to have additional staff attorneys, that is specifically allowed under the County Charter," he said.

Takayesu's interpretation of the Maalaea controversy differs from Johnson's in several respects. He said he welcomes speaking with the council on all of the issues raised, including the conflict issue, "preferably before the budgetary process."

In the meantime, Takayesu will seek an opinion from the state Office of Disciplinary Counsel on whether there are conflicts in his own office advising the planning commission on the golf and water park.

"If we are advised that we should not act as legal adviser to the commission, we will be requesting special counsel to assume this role," he said.

OBITUARIES

Michael Krawtz, 77

Michael J. Krawtz, 77, of Wailuku, died Feb. 18, 2002, at Maui Memorial Medical Center.

A memorial service will be held at 4 p.m. Tuesday at Nakamura Mortuary.

Mr. Krawtz was born Aug. 6, 1924, in Elrama, Pa. He was a mathematics professor at Maui Community College.

He is survived by his wife, Mary Jane Krawtz, and two sisters, Rose Marie Smith of Monongahela, Pa., and Joan Tomovich of Elizabeth, Pa.

Charles Morris, 90

Charles Morris, 90, of Kahului, died Feb. 27, 2002, at Hale Makua in Kahului.



"Walter and Cathy Scott Scholarship Fund," 472 Kaulana St., Wailuku 96793; or to Hospice Maui, 400 Mahalani St., Wailuku 96793.

Mr. Morris was born March 5,

1911, in Montana. Married for 63 years, he was active in Sierra Club and Maui Conservation Society efforts to save Makena, Ahihi Bay, Honolua Bay and Ulua Beach public access. He loved nature and amateur radio and enjoyed camping and teaching snorkeling.

He is survived by a son, James "Jim"

pital in San Jose, Calif.

Private inurnment will be held in the summer.

Mrs. Shimoda was born Oct. 2, 1912, on Oahu, where she also attended school. With her late husband, Masakazu, she managed Haliimaile Supermarket for 37 years until retirement. She was a member of Good Shepherd Episcopal Church.

She is survived by a son, Steven (Lynne) Shimoda of El Dorado Hills, Calif.; three daughters, Ann Robinson of New York City, and Jean (Gerald) Izumi and Wendy (Tom) Miller, both of San Jose; and six grandchildren.

■ **Correction / Bosque:** Elizabeth Kahomenani Bosque, 66, of Makawao, who died Feb. 24, 2002, is survived by a brother, Peter Pana of Ewa Beach, Oahu. His name was omitted from her obituary.

News, 100 Mahalani St., Wailuku 96793. Include a contact name and daytime phone number. We reserve the right to edit for form, style and newsworthiness. Date of publication cannot be guaranteed. A recent color or black-and-white photo may be submitted. The Maui News is not responsible for any photo left unclaimed a month after publication. For more information, call 242-6346. To publish a paid death notice, call 242-6333.

CORRECTIONS

■ **New Wailuku road.** Waiinu Road was dedicated and opened on Thursday as a new connector from Waiale Road to Maui Lani Parkway. A story and photo

LINDA CROCKETT LINGLE
MAYOR



J. P. SCHMIDT
CORPORATION COUNSEL

DEPARTMENT OF THE CORPORATION COUNSEL

COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
TELEPHONE (808) 243-7740 • [REDACTED] FAX (808) 243-7152

August 22, 1996

Mr. and Mrs. Achim Koebke
100 South Lanikai Place
Haiku, Hawaii 96793

Re: 96-BVA-15
Achim Koebke, et al. v. Charles Jencks, et al.

Dear Mr. and Mrs. Koebke:

This letter is being sent to memorialize and finalize our agreement to resolve the above matter pursuant to our telephone conversation of August 21, 1996. We will waive the daily fines assessed in this matter in the approximate amount of \$9,000.00, if you pay the initial fine of \$1,000.00 in full to the County and file an application for a Special Use Permit and a Conditional Use Permit, unless otherwise provided herein. The fine shall be paid in full by October 1, 1996.

You will apply for a Special Use Permit and a Conditional Use Permit within sixty (60) days of the execution of this letter of agreement memorializing this settlement. The following conditions are also included:

1. In the event that the Maui County Council adopts a bed and breakfast ordinance that "grandfathers" existing bed and breakfast operations, then you will not be required to obtain a Special Use Permit and a Conditional Use Permit, provided that your bed and breakfast operation qualifies under said "grandfather" clause and fully complies with all provisions of the bed and breakfast ordinance if any is adopted by Council.
2. In the event the Maui County Council adopts a bed and breakfast ordinance that does not contain a "grandfather" clause for existing bed and breakfast operations, then you will be able to amend the Special Use Permit and a Conditional Use Permit applications to request the type of permit set forth in the bed and breakfast ordinance that is applicable to your bed and breakfast operation, provided that your bed and breakfast operation qualifies for a permit under the bed and breakfast ordinance and fully complies with all provisions of the bed and

ATTACHMENT 2

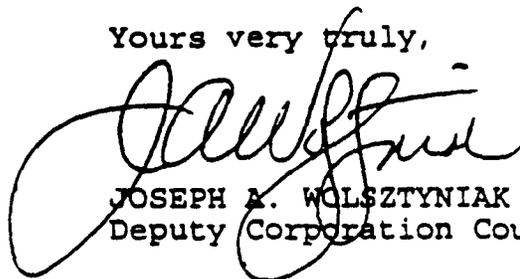
Paul L. Horikawa, Esq.
Page 2
August 22, 1996

breakfast ordinance if any is adopted by the Council.

3. During the time the Special Use Permit and the Conditional Use Permit applications are pending before the County of Maui, you will not be cited nor will any action be taken against you solely due to the fact that a bed and breakfast exists at that location. Naturally, you would be subject to any other violations or any nuisance complaints which would have to be processed through the normal course of business.

As your approval of this agreement settles all matters in controversy, it is also agreed that you will effectuate a withdrawal of the aforementioned BVA Appeal at the hearing scheduled on August 22, 1996 at 1:30 p.m.

Yours very truly,



JOSEPH A. WOLSZTYNIAK
Deputy Corporation Counsel

APPROVED:

Achim B. Koebke
ACHIM KOEBKE

Margaret Koebke
MARGARET KOEBKE

c:\wp51\lrs\koebke

LINDA CROCKETT LINGLE
MAYOR



J. F. SCHMIDT
CORPORATION COUNSEL

DEPARTMENT OF THE CORPORATION COUNSEL

COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
TELEPHONE (808) 243-7740 • FAX (808) 243-7152

February 18, 1997

Mr. David S. Ferguson
7 S. Lanikai Place
Haiku, Hawaii 96708

Re: Bed and Breakfast Appeals

Dear Mr. Ferguson:

Your letter to Mr. Nagamine of December 16, 1996, has been forwarded to me for response to a portion of that letter, namely, the third paragraph.

I would like to apologize for the delay in responding to your correspondence, but I have been off-island majority of the time since your letter was written. I hope I am able to clarify this matter and answer your questions.

You requested a copy of the memorandum from Mr. Jencks to me authorizing me to settle. Please be advised that this is confidential and privileged information covered under the attorney-client privilege. This information is not required to be disclosed under Rule 503 of the Hawaii Rules of Evidence.

The letter appears on my letterhead as opposed to that of the Department of Public Works Director for several reasons. It is quite common for letter agreements to be drafted by attorneys on their letterhead as opposed to that of the company or individual who they are representing. I would be drafting the agreement, and the Office of the Corporation Counsel by County Charter represents the Department of Public Works and Waste Management. It is also true that both the Department of Public Works and Waste Management and the Office of the Corporation Counsel are divisions of the Maui County Government also by Charter.

The fact that the letter indicates Mr. Horikawa was representing the Koebke's was an error. As I am sure you know, it is quite common to use computers and word processors in drafting agreements. As I am sure you know from reviewing the documents, the agreement reached with Mr. Horikawa's client and the Koebke's was very similar. Apparently, someone

ATTACHMENT 3

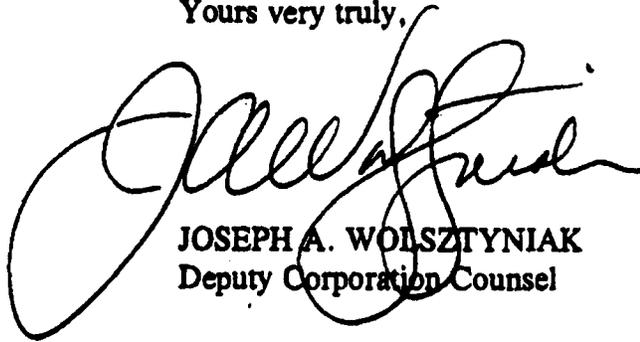
Mr. David S. Ferguson
Page 2
February 18, 1997

forgot to take Mr. Horikawa's name off the Koebke letter of agreement when the Koebke agreement was drafted.

Although I am not an employee of the Department of Public Works, I hold more than advisory status. Our Department under the County Charter represents the Department of Public Works under Article 8, Chapter 2, Section 8-2.3 of the Maui County Charter.

I hope this letter answers any and all questions you may have. If you still have any questions remaining after reviewing my letter or care to discuss this matter further, I remain available to you to answer any further questions and would be happy to discuss this matter with you.

Yours very truly,



JOSEPH A. WOLSZTYNIAK
Deputy Corporation Counsel

JAW:ek
xc: Charles Jencks
Ralph Nagamine
s:\clerical\ek\ltrs\ferguson

Proposed amendment to Maui County Charter
Article 3, County Council

Section 1: That Article 3 Section 3 - 9 be redesignated Section 3 - 10 Restrictions on Council and Council Members.

Section 2: That Article 3 is amended to include Section 3 - 9 Office of Public Counsel.

Article 3 County Council

Section 3 - 9 . 1 Organization. There shall be an Office of Public Counsel consisting of a Public Counsel, Public Acts Review Board, and the necessary staff.

Section 3 - 9 . 2 Public Counsel. Public Counsel shall:

1. Be an attorney licensed to practice in Hawaii with a minimum of five years experience that includes not less than three years experience in private practice. The Public Counsel must be qualified to practice before the United States Supreme Court with demonstrated success at appellate level of appeal.
2. Be independent of the authority of Corporation Counsel
3. Hire an associate counsel, legal assistant and clerical staff subject to approval by the Board.

Section 3 - 9 . 3. Powers, Duties, and Functions: The Public Counsel shall:

1. Coordinate its services with corporation counsel, boards and commissions established by Charter or State Statute.
2. Upon request provide technical assistance to any citizen regarding proceedings subject to the Hawaii Administrative Procedures Act or Rules of a Board or Commission in order to facilitate a fair and just decision or action, and shall inform recipient that it is not acting nor can it act as a personal attorney.
3. Appear as a party in any proceeding upon its own discretion by filing a notice to participate when it believes it is necessary and shall inform the Board in writing of its reasons. Within 20 days of its notice, the Board may approve by vote of a majority of members or disapprove by unanimous vote of members its participation and Counsel will withdraw.

4. Upon direction of the Board, it shall enter as a party on behalf of the public interest in any matter determined by the Board to require participation.
5. Have standing to appeal to court any decision of a board or commission, or public action by a government agency or official, determined by the board harmful to the public interest.
6. Decide all questions posed by the Executive or Legislative branch regarding proper exercise of Legislative or Executive power or its abuse.

Section 3 - 9 . 4 **Public Acts Review Board:** The Public Acts Review Board shall consist of three members appointed by the Mayor and approved by the Council.

Section 3 - 9 . 5 **Powers, Duties and Functions.** The Public Acts Review Board shall:

1. Ensure that boards and commissions and public officials empowered by this Charter of the County of Maui promote the public interest and are responsive to citizen concerns related to fair application of public policy and the legality of government action affecting public rights.
2. Seek to encourage public confidence in decision-making process of boards and commission.
3. Appoint public counsel subject to consultation with the Corporation Counsel and approval by the Council.
4. Consider any requests by any citizen or group of citizens, to direct Public Counsel to enter a specific matter to protect the public interest and ensure fair and complete presentation of relevant issues in administrative proceedings or matters of public controversy so that decisions affect public rights may be seen as sound decisions can be made and public confidence in government increased.

Section [3.9] **3.10 Restrictions on Council and Council Members.**

1. Neither the council nor any of its members shall, in any manner, dictate the appointment or removal of any officer or employee appointed by the mayor or by his subordinates.

2. Except for the purpose of inquiries under Subsection 3-7(3), the council or its members, in dealing with county employees or with county officers other than those appointed pursuant to Section 3-8 or Article 5, shall deal solely through the mayor, and neither the council nor its members shall give orders to any such employee or officer either publicly or privately. Any willful violation of the provisions of this subsection by a member or the council shall be sufficient grounds for his removal from office by impeachment.

I also agree with WMTA's assesment

RECEIVED

Mahalo,

MAR 12 2002

Carole Joy AMeral

Forwarded Message:

Subj: Charter Amendments-WMTA Board Votes Unanimously Listing
Date: 3/12/02 4:48:25 PM Pacific Standard Time
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To: Keala33@aol.com, TVenc1@aol.com
CC: wmta@maui.net, lahnews@maui.net, Jo_Anne.Johnson@co.maui.hi.us,
mayors.office@co.maui.hi.us, patrick.kawano@co.maui.hi.us, charmaine.tavares@co.maui.hi.us
Sent from the Internet (Details)

Attn: Terryl Venc1, Chair, Maui County Charter Commission
(for distribution to the members of the Charter Commission)

Re: West Maui Taxpayers Association (WMTA) Board of Directors Vote and officially post their Recommendations on each individual Proposed Charter Amendment.

Aloha Terryl:

On behalf of the West Maui Taxpayers Association, (WMTA), we extend our sincere appreciation to you and the members of the Charter Commission for your outstanding contributions of time and attention to the County Charter. We recognize and appreciate the personal sacrifices involved in Community Service from firsthand knowledge.

The West Maui Taxpayers Association has been closely monitoring the Proposed Charter Amendments both pro and con and have endeavored to weigh the opinions of others on these proposals which we have received as well. After months of careful consideration, the WMTA board today voted unanimously to report our conclusions to the Charter Commission and our membership at large. We voted YES in support of 11 of the proposed amendments and NO on 6. These results are listed in the numerical order as they were published and identifiably referenced as follows:

1. NO to Re-Districting
2. YES to increasing Council Terms to 4 years.
3. NO to Eliminating Term Limits
4. NO to Elimination of a Need for a Second Election
5. YES to Allowing Councilmembers to talk to County Officials and Employees
6. YES to Clarifying the role of the Corp. Council.
7. YES to Broadening the Powers of Public Works to include Transportation & Environment.
8. YES to Giving Public Safety Commission the power to hire & fire the Fire Chief.
9. YES to Clarifying the responsibility of the Dept. of Planning.
10. YES to Creation of Community Board Districts & Elect members from respective districts.
11. YES to Provide Due Process in event of Termination of Director of Personnel Services.
12. NO to Staggering the Terms of the Salary Commission.
13. YES to committment to an acquisition plan for Open Space.
14. Qualified NO- Change is Needed however current changes proposed are too drastic.
15. Qualified YES-provided that the Notice specifies number of days with clarity.
16. Qualified YES-provided the meeting is held in the affected issue is and at a time when the working public can attend.
17. A. NO to more Autonomy to the Board..
17. B. YES to making the Board of Water Supply a part of Government under the Mayor.

Thank you for considering our recommendations as you continue your deliberations. Please note that we will be testifying as to these recommendations when the commission comes to Lahaina on March 27th, 2002.

Warm Regards,

Joseph D. Pluta
President
on Behalf of the Board of Directors
West Maui Taxpayers Association
www.westmaui.org

Subj: Fwd: Open Space Amendment
Date: 3/13/02 9:47:45 AM Hawaiian Standard Time
From: Myles.Inokuma@co.maui.hi.us
To: TVencl@aol.com
CC: Keala33@aol.com
Sent from the Internet (Details)

RECEIVED
Charter Commission
MAR 13 2002

Please support the amendment to set aside a minimum of 1% of the county's unrestricted budget to purchase and conserve open space on Maui.

My wife and I own a condo on Maui and are concerned with the continuing development in the county. We live in Marin County and are lucky to have a great deal of undeveloped areas (i.e. Golden Gate Recreation Area, Mt. Tamalpais State park, and Marin county Open Space). It has made our county a wonderful place to live and raise children and it has made our area unique. The preservation of open space on Maui should be the responsibility of all citizens for the future of the island.

Mahalo,

Mike Stock