

CHARTER COMMISSION
PUBLIC MEETING MINUTES
JUNE 23, 1992
LAHAINA CIVIC CENTER, LAHAINA

PRESENT

James Cockett
Sherrilee Dodson (Vice Chair)
Robert Nakasone (Chairman)
Victor Reyes
Allan Sparks
Anne Takabuki
Lloyd Yonenaka
Susan Nakano-Ruidas (Staff)

EXCUSED

Dolores Fabrao
Annette Mondoy
Jamie Woodburn
Deborah Wright

NOTE: Public Attendance - 7

I. CALL TO ORDER

Chair Nakasone called the West Maui Public Meeting to order at 7:09 p.m.

II. PRESENTATION OF PROPOSED AMENDMENTS TO THE MAUI COUNTY CHARTER

Proposed amendments, proposed amendments not acted on by Commission, and residency area detail map for election of council were made available to the public prior to the meeting.

III. PUBLIC TESTIMONY

Chair Nakasone noted that commissioners have worked, reviewed and studied the Charter for several months; he turned the meeting over to Commissioner James Cockett, who is a member of the West Maui area.

Commissioner Cockett reminded anyone who wanted to speak to complete the form provided.

A. Anne M. Oaks, individual and resident of Lahaina.

Oaks: Regarding the single residency at-large, whether we have the system we have now, as Mr. Nakasone knows, you have to live in an area to represent...say West Maui...and yet, the entire county votes for you. I feel that if we have people representing each district, that they should only vote for them in that district. Now, if we want to make some amendments on that we could say vote for three at-large -- which could represent the whole island -- if you wanted to do it without just having the single district voting.

And also, I'm for the limit of the five two terms.

Cockett: Thank you. I'd like Allan Sparks to address your question.

Sparks: I guess I'd just like Mrs. Oaks if she understands the difficulty with true districts because of our three islands, the canoes, and also the potential difficulty -- it's always argued, personally I think maybe overargued, that people representing a single district might focus too exclusively on their own single district...and that could fragment the council...

Oaks: Oh, but that's the art of politics -- that they work together with the other districts and be able to talk them into it. And, I can see the problem with Lanai and Molokai since being on the council is a full time job; that can be a problem. But, this was why I also suggested as an alternative, or to think about say having three delegates

Oaks: (Continued) at-large -- three councilmen at large. That's just thrown in because I think that that way it might be easier to work with. Mr. Nakasone's been on the council for many years, so he might know a little bit more about it.

Sparks: That is an option we discussed to some degree, and it might be a viable one. One of my concerns with that approach is that you end up with kind of a class structure on your council, where those who are elected at-large some how or other have a higher status than those who aren't.

Oaks: That's their problem.

Sparks: That's their problem, huh?

Oaks: Yes. I have been in different towns where we had -- a small town -- where we had councilmen at-large, and then also in a larger city where it was spread out...they had more people, but it was spread out...where they had supervisors -- you know, what's in a name? Councilmen or supervisors? But, they represented certain districts and this way the people can have a voice in it. I know that Lanai, for instance, they have tried and tried and tried, and they just haven't had a chance...they've had the same council member in for what is it...twenty-five years?...because the Wailuku/Kahului contention has always been the deciding vote, and it's been the deciding vote over here too. And, what we're trying to get is -- and I know you are too -- truly representational government where the people feel that they have a voice, and their councilman is more apt to listen to them too because he is directly responsible to them. He can't go ahead and play ball with someone else who has more votes and ignore their wishes. So, it's a...nothing's going to be perfect; to me, I certainly think it's worth taking a chance for the next ten years to see how it works.

Sparks: One other comment in response to your remarks -- I've heard it said many times, and I've probably been guilty of saying it myself, that in an at-large system the people in the Central area -- Wailuku/Kahului particularly -- tend to dominate all nine elections. And, I got to thinking that maybe I ought to check out and find out how many of our voters are there; so I just recently looked at some numbers, and it comes out about 32% of our voters are in that region.

Oaks: Well, that's very good; but that's 32% -- but the people on the other parts of the island are really not familiar with the councilmen...say from this side or over in Hana, or where else... I just believe that we should have more of a voice and be more in touch with our local councilmen to have them truly represent us. And, that's why I also suggested an at-large and you do...politics is the art of accommodation, and you work together on it -- just as they do with the House of Representatives, supposedly.

Sparks: The at-large system is supposed to work so that all nine represent you over here, and at least show up around election time and worry about your problems over here... Doesn't it work that way?

Oaks: Yes, and then they had to live in our area; but there again, it didn't matter -- they are working at Kahului/Wailuku, and that's where most of the votes are. We are in an unusual position here, for instance, in West Maui in that we have so many absentee owners of condominiums, and we have snowbirds, and then we have the workers that come over for awhile, besides the residents...so that it is an unusual situation. And, because of this, we really feel we don't have much voice for our local representative. I have called councilmen from other districts...where I feel I get more representation

Oaks: (Continued) and a response, than I do with my own.

Sparks: Well, you should be getting a response from all of them because they all have to worry about your vote.

Oaks: Well, they should be, but if I get a response from mine...then he'll be more apt to respond if he knows that we are the ones that vote him in -- not over there someplace else.

Sparks: I follow you; interesting discussion. Thank you.

B. Dyke S. Kondo, individual and resident of Lahaina.

Kondo: In 1982, when the previous Charter review commission came here, I was the only person that testified in their first round; and I told the Charter review commission that I do not like the idea of the autonomous or semi-autonomous water board, because they have not been responsible in the handling of their fees and monies that come into the water department. I don't want to go to too lengthy, but I heard that they were buying nice big cars for themselves; and when they were questioned if their car can go up to the mountain, they said 'no'...the car was to ride around in the urban areas; when they have to go up to the watershed area, they have to go back to the county motor pool and get four-wheel drive to go up there. That kind of irresponsible act I didn't like.

Also, I knew from the beginning that the water fee -- the impact...or you might say water development...water resource development fees...that first actually the water board came out with was \$4000, not \$3400 -- \$4000 was suggested. That was kind of stink because we know that the upcountry Kula area for so many years where people had to put in their own water line -- and I know that because I was a truck driver and I traveled the back roads in Peahi, Ulumalu...even Kokomo -- and I saw that one-inch line outside their boundary. And, I knew that those water lines were not county water lines -- even if the water was from the county, the pipelines that were put in there was put in there by the farmers themselves; and so, the county doesn't own the water lines there. So, if any repairs are going to be done, the owner has to do it. But since then, almost a decade and a half ago, these lands have been sold; in fact, they were unproductive and many people could not hang on too long so they sell it. And some of those places, as you know for yourselves, have been turned into residential areas; and those residential areas, they think they can ask the county to put in water supplies for them...I mean water line and water repairs for them. Then, the water projects and the housing came up a high fee and used that money to make improvements in East Maui and in the Kula area -- I said 'no way.' There are some others that did resent that, although they don't come to the public hearings to testify, they write in the newspaper and they write opposition -- I have it in here... but I won't pull it out because it takes too much time.

Anyway, the board did admit that they need money to improve the water lines for kula and upcountry; but I know for myself...even the corporation counsel says you cannot take...you cannot charge water fee in one section and then use that money to improve the other places for somebody else. You cannot take somebody's money and fix somebody else's property -- no way.

To me, the water board is something like -- I hate to use such words -- but something like scatterbrained, or something like that. It's not a nice thing to say, but somehow to me it's just like they are not knowledgeable, and to have some people like that make decisions like the cost factors that are going to hit the people...so much, I cannot see it. Even the former mayor had asked the water board to set the straight fee of \$2700 across the board -- all over Maui -- everybody, make no exception. But the water board has its own reality of the sort where we still have that \$3400 and \$2700. And, I told our

Kondo: (Continued) county council members that 'you folks remember, you folks talking about impact fees -- only some sections of Maui pay water fee...impact water fee; these other place, they don't pay impact fees -- you guys going to try to get money to take care of the other guys.' I said 'this is just like politically inclined...you're helping out your friends,' this and that. And, that's what happened with the sewer pumping system...I won't go into that detail...but that was real lousy...I won't talk about it beyond that.

But anyway, I told the Charter review commission that I cannot go with the -- even if they are semi-autonomous -- I don't like it. It's better to put them on advisory position; let them come up with suggestions for improvements or what. As far as the water fees, that kind of suggestion about water fees nobody is going to accept anyway. So, that's they way...the 1982 Charter Commission decided to make it...to put them under advisory...not autonomous, not even semi-autonomous...just advisory. But, they put a rider in there to a Charter amendment...that in 1988 a special committee be assigned to look into the water system, and make some recommendations. And, I guess the county council was kind of stuck over whether...on these water impact fees...whether to charge impact fees. So, I guess they put a recommendation in 1988 for the general election and the Charter amendment to put the water board into semi-autonomous position. And, as I told the Charter Commission before...whatever recommendation that you put or will make...if the bulk of the public is not too sharp, they're going to follow the recommendation, and they're going to vote according to the recommendation. That happened in 1982, and that happened again in 1988, because the recommendation was a semi-autonomous water board. Most of the people cannot think for themselves -- which is good and which is bad, this and that -- and this is the point that I raised with the Charter Commission in 1982; people cannot decide...and if you put a long list for the election, for them to read and check out, it's going to take too long -- either it's going to take them too long to vote or they're not going to vote -- just throw it on the side. So, why not make it in simple form -- accept the whole recommendation or reject it; that's the way it was done in 1982.

Speaking of redistricting, in 1982 during the second round, we had one new person who came here and he had a map like this and he drew a line from the summit down to the shoreline -- divided into seven positions. To me that was ridiculous, but I didn't say anything...I kept quiet. Then later I told the Charter Commission...I don't want to insult the person, but that was ridiculous; they asked me why. The way that the map was sectioned off from the summit down to the ocean, there were some areas that were sectioned out -- seven districts -- I said 'some places have no population at all.' So, that was ridiculous. But anyway, if you go according to one person...or one man, one vote...that's the same thing -- some areas are not going to have enough people...not enough votes; so, how can you give them one council member for that place? You cannot...you cannot go by district -- you have to go by population.

And also, I do not believe that the mayor should appoint anybody she wants... like in 1982...on the managing director...they changed the name to administrative assistant. I told the Charter review commission that even if you change the name to legislative assistant or administrative assistant from managing director, if that person is...the appointed person is not capable, is not competent, is not diligent, but he does have a college diploma so he's qualified -- he gets into the job and he cannot produce anything, and you have that trouble right now in the county -- in the county block grant...county development block grant -- the person that was in there for fifteen months, but she hardly did anything. So, the work over there is all piled up and the new person in there has all the work piled up on him -- he's backlogged on that job; so the mayor wants some more pay raise or some more money to have this person take over and get the job done. That is not only waste of money, but a waste of time too -- more than sixteen months has gone by and nothing has been done yet; and the mayor needs more money to assist that new person in

Kondo: (Continued) there in that position -- you cannot. But, the problem is that the Charter review commission only put in for the managing director's position -- administrative position -- that person must be capable to take over the position in the absence of the mayor. At the same interview when one other person -- the same transplanted person -- he said he wants all appointees to be capable, competent and diligent; because political appointments is not the best thing -- you don't want to get some people in there just for political appointment and they are just sitting in their office and doing nothing -- not getting...no job done. During the time the former mayor left the office and went to the Philippines, the managing director sitting in there...I told him 'I want the permit to go ahead with our urban development...in other words, I want to start the subdivision...find the permit and give it to me so we can start the work.' He said 'no, I'm not the mayor; I cannot do anything...I don't have the power.' I said 'you are the acting mayor...go ahead and get that paper and sign it.' He refused to do it; he said 'I'm not even authorized to do it.' I said 'what you doing then; you're sitting here and getting paid -- you're doing nothing.' He said 'well, I cannot do anything.' I went through that problem once, and I explained that to the former commission -- I don't want that thing to happen again. But, I'm no longer housing development chairman for Pioneer Mill Company, I'm a retiree; I'm an old man now...I'm 75 years old. I've been voting for a long time and I've been in politics for a long time.

And, another thing -- if Lanai wants to have their own planning commission -- I would say go ahead. Let them...home rule; if they want to do what they want -- go ahead -- they have nobody to blame but themselves if they make an error. But, if we should make an error for them, then that's going to be lousy.

Speaking about home rules, I read in the paper that the water boards from Big Island, Oahu and Kauai came here supporting autonomous -- full autonomous for the Maui County water board. I would say that the three water boards...other county water boards that came here -- keep their nose out -- home rule...keep their nose out...stick their nose in their own district/county.

Cockett: Thank you, Mr. Kondo. You might be pleased to know that there are several topics that you hit -- one was the water board -- and there are three thoughts on that right now...full autonomy, semi-autonomy, and bringing the water board back under the mayor. You mentioned an advisory council concept...

Kondo: One thing I cannot stand for is that before raising our water rates and our meter fees, the former director Shikuma, put in the paper...it says times are hard; I do not wish to raise any fees at this time but we have to because we have some repairs and this and that to make -- so, we do have a new water rate and we do have a new water fee. But, the money that is coming from the increase in the water rate and water meter most likely is going to the pay raise that they gave to the director -- where do you see somebody get a \$7400 pay increase in one year? And the deputy director gets \$4600 pay raise? Look where all the money going...

Cockett: The other one about the Lanai Planning Commission -- many other people have discussed that and there's strong feeling like you have.

- C. Arline Maither, resident of Lahaina and speaking on behalf of the Maui League of Republican Women.

Maither: All I want to...is reiterate what Anne Oaks said. I'd like to see the single member candidate for the districts put on the ballot. And, I think Anne probably covered most of my feelings; I would like to feel that we had a representative in our district...

Maither: (Continued) in West Maui...that was representing us. Someone that we felt free... that we could call all the time; and, I certainly do feel that yes, I can call the other council members because I vote for them, but I don't feel that they are really taking my interests at heart...living in West Maui. And, that is why I would like to see that put on the ballot.

- D. Patty A. Peterson, resident of Lahaina and speaking on behalf of the Maui League of Republican Women.

Peterson: I would also like to reiterate what my other two colleagues just ask for -- to put the issue of single member district on the ballot. And, they pretty much explained everything and I feel almost the same way.

Cockett: I don't mean to put Allan [Sparks] on the spot here, but we had some long discussions about that.

Sparks: I think Lloyd [Yonenaka] had the most eloquent explanation, if we're making that.

Yonenaka: We did have very, very long discussions on single member districts versus at-large and part of the problem is Molokai and Lanai. We are a very unique county to begin with because we are three islands, and we have to recognize that Molokai and Lanai are a situation that we really can't...we can't move the islands...we can't move them closer to us or attach them to Maui. And, part of the reason that we came up with the idea we have now, which is basically a compromise, in that we had divided the areas up into smaller districts as far as residency requirements are concerned. Every council member must live in a certain area -- part of the reason was that we really felt it was important that somebody live or come from that area -- where they at least just drive that road, drink that water, or live in that town or live in that area. That was really important that somebody was from Hana, or at least that area; somebody was from Molokai; somebody was from Lanai. And, if we could come up with a perfect solution, that would have been great; it's just that we couldn't -- we couldn't come to an agreement as far as single member districts -- where we would not feel like a lot of people would be left out. And, if we look at Maui County as a whole, we are one county. And, I understand that most in Lahaina... if you feel very comfortable with your representative...I think that's great; and my only question was do you foresee a time where Lahaina's feeling would be opposite of anybody else? And, if that exists, then you need to know that that guy who's going to vote against you has to come see you sometime -- I mean, it is my personal opinion. I understand districting and I understand the concept; I understand better representation -- I'm not really opposed to it at all. I just have a hard time not being able to vote for eight other people that I've had the right to vote for all this time; and, it is my personal opinion. I don't know if I explained our position better than anybody else, but please...we've gone around this tree so many times... And, everybody here, if we could come up with a solution that we all agreed on...we'd probably go out and have a drink! We have beat this thing to death -- trust me.

Oaks: Why don't we try it ten years this other way? There is much dissatisfaction in not being able to have that.

Yonenaka: I understand the dissatisfaction, and if this wasn't a public hearing, maybe I would comment a little bit more in depth...I'm going to get in trouble!

Chair Nakasone: I just want to make a comment in regards to that question of ten years.

Chair Nakasone: (Continued) There is a provision in the Charter now that you can put proposed amendments on the ballot -- you don't have to wait ten years. So, if it doesn't work, well, there's a possibility of putting that amendment on the ballot to repeal...

Oaks: And, it would be voted on by the entire county... And, with the initiative, it would be voted on by the entire county...to change what you propose. All right, thank you.

Chair Nakasone: Even the question of the water board that was adopted in '88 -- because the '82 Charter Commission created a special Charter review board to review the board of water supply...the department of water supply and whether they should be autonomous, semi- or be under the administrative. But again, the voters voted for semi-autonomy in '88, I believe:

Oaks: Have there been initiatives and recalls? I've only lived here eight years, so... I think when we -- there have been problems at times -- there were people that have lived here a long time that were not even aware that there was an initiative and a recall... because I asked if they had initiative where you could sign petitions for it...

Chair Nakasone: Yes, you do have a provision in the Charter.

Oaks: Good. Well, it would be nice if The Maui News and others...if people...you can't please everyone; but, if people are disappointed and others have some ideas, let them know that if it gets that bad they do have the initiative and recall. Put that in because it makes the people feel at least they have some control.

Chair Nakasone: Just another statement about initiatives and recall -- there's sections in the Charter that has the provisions, and we are reviewing the...reducing the percentage of requirements and the time element -- so, these will probably be discussed next week.

Dodson: I just wanted to say...so you guys don't go away feeling completely and totally disappointed about single member districts -- it's not dead. It's something that will come up again for discussion; whatever we voted on...and these are preliminary proposals...are just that -- preliminary. It's the reason why we're coming out to the public to find out what your views are, and then we will go back into our meetings and we will discuss single member districts again. And, perhaps those who are heavily in favor of it -- and he is, believe it or not -- will be able to convince us otherwise; and, certainly listening to the public who have come out so strong for single member districts is going to help.

Oaks: This is why I proposed three delegates at-large -- so that you do have that compromise.

Cockett: Thank you very much. Any other testimony? Any comments from the commissioners here?

Chair Nakasone: Just a reminder; we are having Commission meetings on the [June] 30th and the [July] 2nd...so the public is invited to offer more testimony in regards to the proposed amendments or actions that the Commission will be taking...it will be held in the 7th floor of the county building.

IV. ADJOURNMENT

There being no further public testimony, Commissioner Cockett adjourned the West Maui Public Meeting at 7:44 p.m.

ACCEPTED:

Robert Nakasone, Chairman Date