

CHARTER COMMISSION  
MEETING MINUTES  
JULY 22, 1992  
COUNCIL COMMITTEE ROOM

PRESENT

James Cockett  
Sherrilee Dodson (Vice Chair)  
Dolores Fabrao  
Victor Reyes  
Anne Takabuki  
Deborah Wright  
Lloyd Yonenaka  
Susan Nakano-Ruidas (Staff)  
Paul Mancini (Counsel)

EXCUSED

Annette Mondoy  
Robert Nakasone (Chairman)  
Allan Sparks  
Jamie Woodburn

GUESTS

Dave DeLeon  
Timothy Hurley (The Maui News)  
Georgina Kawamura  
Wayne Fujita  
Ty Yoshimi  
Julie Higa  
Daryl Yamamoto

I. CALL TO ORDER

Vice Chair Dodson reconvened the Charter Commission meeting at 4:12 p.m.  
(Meeting was continued from July 16, 1992.)

II. COMMUNICATIONS

The following Communications were accepted by the Commission:

- A. Communication 92-54 Letter dated 7/17/92 re: proposed amendment to Section 8-3.3.a. - Investigators with the "power and privileges of a police officer", submitted by Raymond Kokubun, Director of Personnel Services
- B. Communication 92-55 Letter dated 7/16/92 re: police powers for prosecutors, submitted by Howard Tagomori, Chief of Police
- C. Communication 92-56 Letter dated 7/22/92 re: terms of office beginning first Monday in December, submitted by Lorraine Inouye, Mayor, County of Hawaii

III. PUBLIC TESTIMONY

- A. Georgina Kawamura, Budget Director, County of Maui  
B. Wayne Fujita, Deputy Director, Department of Finance, County of Maui  
C. Ty Yoshimi,

Kawamura: Once again, Wayne Fujita...and myself are here to discuss any questions or concerns you might have from the mayor's letter that was transmitted July 16. We realize last week that it was short notice that we had presented such a long list of concerns, so we wanted the Commission to have the opportunity to review it before...you would have any specific questions for us. That's basically why we're here today...to respond to any specific questioning from the Charter Commission.

Vice Chair Dodson: Do we have questions from the members?

Cockett: I think we've had time to review the Communication 92-52 that was presented last week. And, in reviewing it, as explained very much in detail by Mayor Lingle dated July 16, I'm of the opinion that 9-9...the section of the Charter requiring the mayor to certify quarterly revenues in excess of what was estimated not be altered or changed. That's my recommendation.

Vice Chair Dodson: Are there any questions for Georgina? Anne.

Takabuki: First of all, thank you for the memo; it was a good memo and very complete, and I think it did point out a number of concerns and problems with the quarterly idea of certification. But, I guess now where we're stuck is...is there any way that either of you can think of that would address what the council's concern is...and that is to have a better, I guess, have a better handle on the revenue picture and perhaps from time to time have some say on what should be done with the revenues...if they are excess.

Kawamura: I guess the audited report is available in November.

Fujita: Right, it's due on November 1st of each year.

Kawamura: And, it is disclosed in that report what is the fund balance, basically. It's not like, you know, it's not being disclosed and they have no idea how much it is; it's just that what we do in a supplemental process...we certify to the extent that we need from that fund balance; we don't certify the entire amount. So, I understand the council's concern that they perhaps may want extra money for some of the projects that they want to put in; but again, it's not like we've been hiding what is the amount available...it's disclosed in the financial report...the annual report. And so, I would prefer...I'm sure we can discuss this with the council that if they have any projects that they would want funded over and beyond what we have certified...you know, that discussion should then go on between the council and the mayor.

Takabuki: Okay, so knowing that there's that concern and that there's that additional opportunity, if you will, to try and work things out...

Kawamura: If they come up with something else, sure...I mean, write us or send us a note or whatever...there's room for discussion, I think to...and then the mayor can certify more...to the extent of the amount that they need for their projects. Again, it should be back and forth, I think, as far as the discussion as far as what will be appropriated.

Takabuki: So, it's in the audit report? That's what you're referring to, Georgina?

Kawamura: The fund balance is disclosed there.

Takabuki: Is that something that's readily understandable to what it represents do you think, or is there a need to at least clarify that that's what this represents?

Fujita: Fund balance is actually the difference between the assets and the liabilities of the county. The fund balance is actually used for many things, as we tried to explain in the letters...things such as cash flow and contingencies, insurance claims and on and on. As contingencies go, they're not really there in black and white...you just need so much of a dollar amount. As the requests come in from council, there would be some evaluation of that and it really depends on so many things; well, we would start with the needs first.

Takabuki: I think the point is...to an accountant that might be understandable, but perhaps it's not so clear to someone else who does not have that kind of knowledge that you have about fund balances, contingencies and those other things. So, I think that's the point -- I think maybe there needs to be a better understanding of how that information's being presented.

Fujita: For right now, my understanding is after the year is closed the results are audited...that there is a time where we go back for supplemental appropriations that the

Fujita: (Continued) results of the audit and what we feel is available, then gets presented in to council and there is an opportunity at that time to do an evaluation of which programs it will be going to...and that's where it's the council's...

Takabuki: Right, that's the supplemental that Georgina was talking about.

Fujita: Right.

Takabuki: Where the mayor would certify a certain level of the fund balance, right? Not disclose all of it or necessarily certify all of it, but a portion of it?

Mancini: Georgina, it seems like the issue here is that the current Charter says that if the mayor certifies the revenues received in excess of what's estimated, then the council can appropriate. What the council wants is the council wants that to be mandatory. The council wants it to say 'when there is funds available in excess of forecast, and the mayor feels it's appropriate, then the mayor has to certify.' And, the mayor's position is that it should remain discretionary; there should be no mandate to certify, because it's the mayor's obligation to manage the cash flow. And, managing the cash flow is somewhat of an art...maybe not a science...and that the greater discretion in that is better than its being mandates in the Charter. Is that pretty much the argument?

Kawamura: Yeah, because it goes back to our ability to manage...that we want to have that discretion and only certify and appropriate to the extent that's needed for any particular project or purpose, so that we have some sort of cash fund balance to use in your subsequent fiscal year annual budget.

Mancini: Right now if the mayor had a surplus of \$100 million at any point in time, and the mayor has no obligation to certify that...and, the council's saying at some point in time there ought to be the obligation. And the mayor's saying...look, I run the cash flow here, I manage the cash flow and I need this discretion. Just a counter argument...

Kawamura: Except that we are...correct me along the way...we are obligated to include those funds in the subsequent fiscal year's budget; so, it's not like it sits there for years...there may be a window of six months before we have to include it in our proposal for the next annual budget.

Mancini: Because it's cash available.

Kawamura: Right.

Mancini: I just thought...it's a question whether it's mandatory or discretionary; I think that's the only real issue here.

Vice Chair Dodson: Any other questions?

Reyes: How much role does the council have in initiating the supplemental budget?

Kawamura: Basically the mayor initiates a supplemental budget.

Reyes: Yes, but does the council have a chance to have input prior to its submission by the mayor to the council?

Kawamura: No, historically they haven't been involved...seeing as how they're not really involved with our presenting the annual budget, we present the supplemental budget also.

Kawamura: (Continued) And then they have the opportunity to go through, and they review it. They may throw it out completely and put in all of their projects; you know, the same like our annual request. But, we do not have...it's not included in our process now that we ask them first what they would want included in a supplemental budget.

Reyes: What did you mean then that there could be some room for communication if the council wants to have a certain amount certified...to ask you whether it's available or not, or it's available for certification? Where would that come in?

Kawamura: Well, I see that as being after we have sent to them a supplemental budget. If there are other things they have in mind, they would then write to the mayor...before they actually pass out a supplemental budget.

Fabrao: I am to understand that the mayor, at the end of the fiscal year...for the November report, will have certified a certain amount of monies in excess. Where does it ever come in any report...of the total amount of excess? You say the amount of money that's left over is applied to the budget for the next year...is it in a certain amount that it's listed on the report for that budget, that this was in excess last year, so we're using it for this year?

Kawamura: It's identified as carry-over savings in our annual proposal.

Fabrao: Oh, it is...a total amount, so there is no amount that's left behind or...

Kawamura: No, it's all brought forward into the next year.

Fabrao: I just wanted to have that clear in my mind. Thank you.

Kawamura: It's an estimated carry-over.

Fabrao: That's not actual cash then; it's an estimated carry-over.

Kawamura: When we do a budget, as far as what's termed carry-over savings, we will...it's like there's three different factors -- there's the actual compared to our estimate for June 30 closing...that's one part of carry-over. Then, there's what we estimate at the next June 30 to be what we've received in revenues over what we've guessed it to be. And then there's the operational part that we may have savings from operations...that we're guessing at June 30 we may save...\$100,000 here or whatever. But, that's all combined into what we would estimate as our carry-over savings for the next fiscal year's budget.

Fabrao: But that's not actual cash that's already in the house.

Kawamura: Only that part where there's that actual, you know, the audit report amount is the actual...the other stuff is all guesstimates.

Fabrao: And that's the certifiable amount? Okay, thank you.

Vice Chair Dodson: Any other questions?

Reyes: Just an afterthought...with the increased sophistication of all programs and computing, and so forth...is it not possible to have trailing...a trailing balance of that carry-over savings from month to month? I know you're afraid of having to do it on a quarterly basis...some quarters may be low, some quarters might be high...but, if I recall it correctly, you always have a carry-over savings of whatever percent it is... Isn't it

Reyes: (Continued) safe to say that in any given month or quarter there should be a certain portion of that carry-over savings that sits? And, isn't there a way to trace that or have a trail of that? Because you have a sophisticated accounting process, why can't you trail \$20 million out of \$190 million...I mean, why can't you have a way to point that out for them? I can see \$1 out of \$20 million...it's hard to find, but why can't you... I think it's reasonable...

Fujita: Victor, I think I understand your question, and I agree with you to a certain extent; but, in accounting when it goes through the process of being audited, there's many steps to take that we only do once a year...such as we figure out the amount of receivables and accruals on the interest; there's a review of the pension plan that's a significant amount of work that involves the state actuaries, and the state only does that once a year; only once a year we do the tax rolls...it's a very large project for the real property tax division; all the calculations on the arbitrage are done at the end of the year. The auditors themselves do many procedures that only they are able to do as a person who is independent from the county...where they send out confirmations and they have verifications of accounts that may create some adjustments, which they would require us to do, and sometimes these adjustments are large. And, for us to make an estimate of these adjustments from month to month...there's a possibility of us doing that, but there's just so much that could change; and, that's why we have an audit. The procedures of the county has just evolved over the years to include all of these things. One of the points that we had in the letter was that the real property is billed just twice a year...those accruals, we could approve them every month, but then there's adjustments such as the max-tax calculations, the collectibility of these accounts -- it's hard to project how many people will defer payment or become late payers and become delinquent. Now, I think we have about \$1 million in delinquencies in real property tax, and that number changes...it's a sizable amount for us to try to estimate. So, that's the kind of problems that we have.

Reyes: I certainly understand that, but to me it's still a matter of number crunching and computers today are so fast, you can blink your eyes and they will give you an answer. It's just a matter of how the software is programmed. I can certainly sympathize with the council's concern; I understand too that it's hard to certify, because to certify something you really have to put a lot of work to it. But, if there's a middle road that will satisfy the council's concern that...you know, I think you mentioned a word that is not certification -- was it notification? Now, how's that? Do you think you would be comfortable with notifying the council on whatever...when they need...maybe every quarter, or twice a year that these might be available? So, during the supplemental stage...before they're presented with initially from the mayor's office for supplemental budget or funding, they would have time to look at it...what's coming...and they could prepare, rather than, you know, react to what's coming from the top. You know, we'd like the county government to work closely together...more efficiently; see, that's what I'm trying to get at.

Kawamura: So, that official notification portion then should come at the year end report time with that audit...you know, that it's specifically identified and notified for their purpose, as far as a notification is concerned. That is very different from a certification; once it's certified, they are, you know, they are ready to spend it, But, I'm sure notification on our part is much simpler; again, if it comes after the audited report -- as a result of the auditor's report.

Wright: Victor, I was going to say I don't think the council wants notification. I mean, you know, they get their notification annually and everything -- what they want is certification so they can use the funds, you know, they want to have those funds available. But, what I don't understand for sure, from what you were asking, is what do you want them

Wright: (Continued) to certify to? It sounds to me like what they're saying is that they have these sort of floating numbers...none of them are concrete, and the problem with certification is you're saying those funds actually are available for other uses. And, they're saying they really can't say that they're available; so, it's a conflict...I'm not saying I know what to do about it, but it's a conflict because the council wants it certified so they can go and use that money, okay? And, what they're saying is that's something that would be a mess or would be extremely difficult if not impossible, and that they might end up being pushed into the position where there's a possibility of something being certified that does not come right, and the funds aren't there for the appropriation. So, you know, I don't know right now if you're trying to reconcile those two...if you are not going to go with one or the other...how you're going to reconcile those two requests. Because, I thought the council made it clear to us that they want them certified so that they can use them.

Reyes: No, okay, I'm basing on the fact that she said that at a certain point in time the office of the mayor can require or request for a certification.

Wright: Yes, but they do that now; I mean, they can certify, but the council wants it more often than...as I understood it, they wanted, you know, so they had the funds available throughout the year.

Reyes: That's already agreed.

Wright: Is that what you understand, Anne? Or, what's your understanding?

Takabuki: I think the initial point that they came to us with was they wanted really a handle on the carry-over, because that's the most substantial amount. At least, it seemed to be fairly determinable at the year end or after the audit; I think that was the real initial concern.

Wright: They want it broken down, the carry-over? Because, they get a carry-over figure, or did they just want it broken down?

Takabuki: They get an estimate of a carry-over figure at the beginning of the fiscal... what's included in the budget, and then a few months later there's an actual figure determined by an audit; and, I think that's what they wanted a better handle on.

Wright: They don't get that information once the audit's done?

Takabuki: Well, maybe it's in the audit; I think it was pointed out earlier that it's in an audit but it's not necessarily recognizable or clear to them that it's there. And, secondly, they can't touch it anyway...it's purely discretionary on the mayor. So, I think those were the two issues -- one, that they realize how to determine what it is; and secondly, they can't do anything with it. So, I think that was the problem; I think the quarterly thing came about just because we were talking about the quarterly reports when we discussed it in committee, and it seemed good timing. But, I don't think they were insisting on quarterly.

Reyes: I was just trying to follow up on what you said, that at a certain point in time the mayor can initiate... And, then open to the council, working with the administration, so I was thinking not the whole total amount that is certifiable, but a certain comfortable number because when you make a notification -- I understand the difference now between a notification and a certification...you might have that but you're not willing to put your

Reyes: (Continued) signature because you haven't really gone through the formal auditing process, but you know, it's like a number that you're fairly comfortable with, you know, it exists but you just can't put your signature to it. So, I'm trying to find a common ground whereby this...if you always have \$20 million, that's kind of roughly the amount that's being carried over, available or certified from year to year as a percent of the budget...I'm saying it's a large amount, it's ten percent...substantial...and if you can tap ten percent of ten percent...or one percent for the council and for the mayor to have a meeting of minds during the process of this supplemental budget initiation, then the council would at least have...would probably at least be satisfied...it would probably satisfy their concerns.

Kawamura: Can I make one note about those figures that you have in front of you, where it says that it's \$23 million that's estimated as carry-over savings for the current fiscal year? I'd like to note that of that \$23 million, approximately \$13 million was from lapsed CIP projects...lapsed CIP projects that the funds lapsed at December 31, 1991, and they were the last of the projects from the prior administration...that when this new administration came in...did not go forward with. So, that's a substantial amount of carry-over savings from just that particular portion of our budget, and that's because those projects didn't go ahead. I think it's just a unique situation, it's not always that we have \$23 million available for carry-over.

Vice Chair Dodson: Dolores, did you have a question?

Fabrao: Yes; the supplemental budget time when the mayor...she's the one that submits it...is there at any time that the council would want to have their input into the supplemental? You did say that they could have that opportunity; have they taken that opportunity? That's at the year end, after the annual report...

Kawamura: Well, what's been happening historically all these years...they've cut some of the projects that we've proposed as supplemental, to appropriate...to include theirs. I still think, you know, there's a way where they should be talking to us as far as how about including this, and can you certify this much more. I don't see where as that's completely out of the picture.

Fabrao: So, it's not hard for them to say hey, we want to do this, so can't we work together on this...rather than just say we want this and put it through, and cut yours out regardless of what the implications are.

Kawamura: Right.

Mancini: It seems like, Georgina, that one of the issues is that on a consistent basis the actual carry-over savings exceeds that which you forecast in the budget; why is that? I know it's wise to be conservative, but it seems like this would not be an issue unless there was a wide discrepancy between the forecast and the actual that happens. Is it just because it's wise to be conservative?

Kawamura: Well, I think we've always taken that approach of being very conservative in our estimates, and I guess that's why we've been so successful in having a good fund balance and good bond rating. You know, if there's some other process where someone could come and tell us what's a better way of estimating carry-over savings, and we can use their crystal ball as compared to our crystal ball... Ty is involved in this and he's our ace as far as estimating our carry-over savings...we have to rely on his because, again, we have no other systematic crystal ball to tell us what will be our carry-over savings.

Mancini: The carry-over savings...I know it involves a lot of categories, but the CIP is somewhat forecastable; you know what you're going to spend and what projects you're not going to do, so that you can estimate fairly well with... Unfunded positions is something you pretty much know at a certain point in time -- the year is half gone by and you haven't funded the position for three-quarters of the year, so you pretty much know an unfunded position...what your savings are going to be within ranges. What other areas do you have significant carry-over savings? Other than CIP and positions, does it fall into any other categories?

Kawamura: As far as operational expenses, we have positions and then your regular day-to-day expenses...your operational expenses of supplies, offices supplies...your B account; and your C account being your equipment. We may get savings in our equipment because our bids have been low and we can get equipment in for less than we've budgeted for; but then you also stand the risk that perhaps during the course of the year your equipment items may break and you have to have them replaced. So, at half year's experience...for your B and C accounts you'll see what you've done for the last six months, but that may not be evident of what you're going to do for the next six months. You know, some catastrophe may come up in the fire department, you know, all those kinds of things could happen where the experience may change for the next six months.

Mancini: I always thought the problem was on the other side of the equation. The B and C accounts...you really can't do too much with that...you have a general feeling but that's pretty much spent -- you've got a department in B and C accounts -- you're pretty sure they're going to spend 80% of that. But, it's on the revenue side because your carry-over's two factors -- you saved but also did the revenues come in more than you expected, or less -- that's something you don't know until, you know, the last minute. Because you've always got the tax assessment appeals, you've got the general cash flow and delinquencies coming in, and also your collective bargaining situation is...unless it's on a two year basis now, you know, that was always in flux because what do you estimate...and that's a projection, anyway. So, really it's the two areas...the CIPs and your unfilled positions, and then you've got a real crunch yet when it comes to the revenue side...that's just my recollection of the way it used to be. Is it much different from that now?

Yoshimi: Well as you mentioned, the revenue is the major thing that you need the best of all in...at the point in December, you have to estimate as of June, and then you have to take into account, as Wayne mentioned, all the accruals and any unforeseen contingencies.

Mancini: The point I'm trying to make is I think we're all looking at savings...and the savings are the CIP projects that don't go ahead, and there's savings in positions, but that's only half of the problem because you can't certify that there's savings unless you really get a handle on the revenue side. Because, if revenue comes in less than you expect, it's not savings...it's not savings at all.

Vice Chair Dodson: Any other questions?

Takabuki: How about warrants and checks since Wayne's here?

Vice Chair Dodson: Do you want to talk to us about warrants?

Yoshimi: Sure; the department of finance is requesting that the director of finance can have a checking account. [LAUGHTER]

Kawamura: Why only the director of finance? [LAUGHTER]

Yoshimi: Well, we have four reasons; the first reason is the check would provide a better

Yoshimi: (Continued) audit trail. If we have a checking account, then we can reduce the number of accounts that we have right now...I think we have four accounts that we actively use...at First Hawaiian we have two and the other two are at Bank of Hawaii. The way that it works is that when we have a warrant issued, it flows into this account that earns interest, and when it is presented into the bank, the bank will clear it against our checking account...that's why we have a dual account system. They both accrue the same amount of interest, and we just feel at this point in time it's duplication of effort. The third reason...we feel if we use checks it will increase the liability of the financial institutions; the banks will not be responsible for forgeries or signatures that are fraudulent on warrants, but they will be on checks. And, also the banks will not enforce a stop payment on warrants but they will on checks. The fourth reason is that when we have a warrant sent out to the contractors and vendors, there is that double step transaction where we put it through the warrant account and the bank clears it through the checking account...so it requires additional accounting work and reconciliations every month, so that will reduce the amount of work for accounting.

Vice Chair Dodson: It makes it pretty clear. Any questions?

Reyes: What's the timetable for completely switching to the checking account, because I think I recall that the county has a warrant -- they wanted to be able to issue the checks so they can use the two...something to complete the switch to a checking account. What's the timetable?

Yoshimi: We would have both accounts running until all the warrants are cleared, so we won't close them. But, the use of the checking account would be the first source of disbursement so we would not issue any more warrants once this is approved.

Reyes: So, you're saying that because this hasn't been adopted in the Charter yet, you're still issuing all warrants right now?

Yoshimi: Yes.

Reyes: Okay, and you'd like to have that capability to issue checks...so you can switch completely? Okay.

Yoshimi: Yes.

Mancini: The difference between a warrant and a check is only that one is negotiable and the other is not? Or, are there other features?

Yoshimi: I had to look that up before I came. [LAUGHTER]

Mancini: In your explanation it sounded like the warrant would come in but the warrant would be cleared against your checking account, so I concluded that you've got both a checking account and a warrant currently.

Yoshimi: Actually, when I say the other account is a checking account...it's authorized by the director but we don't cut checks directly to the public with that account, so it's a fund that we use internally within the county for the clearing of the warrants.

Mancini: So, you issue a warrant to Georgina to take her salary; she goes to the bank with the warrant, they pay her the money that's stated in the warrant, and then from that warrant there's a credit on your checking account.

Yoshimi: Right.

Mancini: So, the checking account becomes a clearing pool for the warrants.

Yoshimi: Yes.

Mancini: Do the other counties issue checks and warrants? Or do they only have warrants?

Yoshimi: I don't know.

Mancini: We looked at the other charters, and all the other charters just seem to state warrants and nothing about checks. That got me a little concerned that maybe there was a statutory provision that said the counties' governments...municipalities...could only issue warrants...but I couldn't see it...I couldn't find it one way or the other. Do you think you might be able to check with the other counties?

Yoshimi: Sure.

Mancini: And ask them why they don't issue both? If they issue checks and warrants... determine that...they issue both; if they only issue warrants, why? And, why they haven't changed over to doing both; I think that would help us if you could write a letter stating all of those reasons, that would be helpful to our record to show that these were the reasons we're doing this...in case you might get criticized for fixing something that's not broken...we want to make sure it's broken. [LAUGHTER]

Vice Chair Dodson: Did you have something to add on this?

D. Julie Higa, private citizen and resident of Pukalani.

Higa: I was going to speak on that one particular issue; there was a number of things I wanted to address...since you are on the subject, could I address that too? I think that I had some questions and concerns about including the checks and I was told differently... that the auditing would be more difficult and also with maintaining...

Vice Chair Dodson: Could I interrupt for a moment? Could you come to the mike?

Higa: I'm not a financial person, I'm more of a budget rather than a finance person, but from what I understand...that there would have been some problems in auditing and tracking and maintaining accounting of the checking account system as opposed to a warrant system, and that most municipalities go into the warrant system because of the accounting of...because the counties or municipalities have fifty or a hundred different funds or accounts as compared to a corporation or private enterprise. And, I think there needs to be more research or study done to look into why in the first place the warrant system was established, and I think it was because it provided a consistent system in which you can track your money...charge it to a certain account, as opposed to a checking account. Because I can't see how, in a checking account, by having one you're going to determine which account that check would be charged to...if you have one checking account, you're still going to have to do some kind of accounting, you know, number of the checks or the vendor...there has to be a number attached to the person that you're paying the check to to track it to a certain account.

Vice Chair Dodson: Wouldn't that be the same on a warrant, though? What is the physical difference between a warrant and a check? I'm confused now.

DeLeon: They look the same.

Vice Chair Dodson: They look the same?

Higa: They look the same; it's just the methodology in which you process it is different. I just have some concerns about it, and I just think that it has to be looked into further because I think there are some problems with it. The other thing is, I'm wondering what has been the problem as far as forgeries and lost checks and all that, if that has been a big problem and a substantial cost to the county; and is that one of the reasons also for looking into finding another source to protect the county, I guess, in forged checks or bounced checks, et cetera, you know. I wonder if there has been a substantial amount in that because a change over to another system, it seems to me, would also cost money...you know, from going from a warrant system to going to a checking account system, and then you're going to have to establish another method in tracking checks, so that's going to cost a lot of money and put a lot of stress, I think, on the staff.

Mancini: I'd like to ask one more question of Wayne, Ty and Georgina...maybe collectively; could you discuss this with the auditor and do you think we could generate a letter from the auditor to the Commission giving his recommendations and the benefits he would see on it? It seems like this is part of the audit process and that's part of the logic that's going to expedite and help the audit process. My other concern is, you know, there was a problem year before last on the island of Kauai...with regard to some fiscal accountability; could you look into that to determine whether that was in any way related to the warrant system, or would have been better protected if it was under a check system. I don't recall, but obviously it was a problem that existed.

Cockett: Well, I'm a little confused here, too. I'm just reviewing some of this that we've discussed in the past...I don't have the exact date that we did...but his proposal was to...the proposed wording for this amendment was to "issue warrants and checks" -- not either or.

Vice Chair Dodson: They needed the two so they could go to one; they need to be able to continue to start writing checks but not completely do away with warrants. They needed the two for a certain amount of time, until all the warrants were paid out and so forth, and then gradually move into the check system. You can't, you know, just switch over in a day, right, just from warrants to checks in a day. You know, the day that the amendment is passed...it's law, then to switch over to checks would be almost impossible for you guys.

Fujita: I wanted to respond to a lot of your (Higa) comments. On the part about if we are experiencing losses on checks that were forged or that kind of thing -- through my office, I receive about five every week, at least; and, most of these are smaller amounts. We don't have a significant problem on it, but it's happened fairly frequently. As far as cost of using checks rather than warrants...it looks the same, probably there wouldn't be any more cost, and we'd probably save costs in having less work to reconciling both the checking and warrant account, because on the warrant account the amount of transactions will come down to almost zero. And so, along with all the accounting processes that relate to keeping different accounts, such as these accounts with the banks, as far as these accounting are the processes of maintaining how expenditures are going to various vendors or to different accounts such as if it's for rent or for supplies...that kind of thing -- in our accounting system, all transactions are coded the same that is coded through warrants, and that process would be identical -- that would not change at all. So, as far as recording for accounting purposes, I don't see a change on that at all.

Vice Chair Dodson: Are there any more questions? Anne?

Takabuki: Just a question so I get a feel for the volume -- how many warrants are you talking about issuing a month, roughly?

Yoshimi: On the average, we issue about 500 a week.

Takabuki: Five hundred a week, so two thousand a month...and twenty out of those have become a problem about.

Yonenaka: When you said it's a problem...this forgery, you mean someone cashes the warrant who wasn't supposed to cash the warrant?

Fujita: Usually we resolve them, but it takes a lot more effort than if the bank had just stopped it when it came to the teller. If the banks have the authority over checks, then if the signature looks strange, or if the county wants to make a stop payment on a check, then the bank has authority over that kind of thing; so, it'll save us a lot of work just to get it fixed.

Yonenaka: So, basically what you're saying is that you want the bank to have some sense of responsibility instead of just taking warrants from whoever, and then you've got to pay anyway even though it wasn't... So, I could take your warrant and cash it at the bank and they've got no problem with it, right? They're going to get their money.

Yoshimi: I guess. [LAUGHTER]

Yonenaka: The banks are more than willing to take warrants, huh?

Yoshimi: No, but then I'll come after you. [LAUGHTER]

Vice Chair Dodson: Do we have any more questions for Wayne and Georgina?

Reyes: Would it present a cashing problem from the public's point of view...with the bank being more careful now, because the check's their responsibility, would there be any particular problem...

Yoshimi: I would say as any other check that you would get honored.

Reyes: Okay.

Vice Chair Dodson: Thank you. The next speaker will be Julie Higa.

Higa: I received a copy of the draft amendments a couple of days ago, so I don't have anything written...I just have some notes that I made. And, I don't have the final copy, except what I just got today, but based on the Article 3 -- can I just go through each one? On Article 3, I have some concerns about the redistricting and also the manner or the method in which the determination was made, and I realize that you all must have spent agonizing hours discussing it, because it seems to be something that everybody spends a lot of time and can't really come up with something that... My major concern was with the creation of the Hana/East Maui representative...although I sympathize and empathize with them, I feel that with the 2,270 population that that could justify having another council person...and it seems to me that I in Pukalani should have a council representative just solely for Pukalani because we want to keep it a certain character or manner. What it does then is three districts, which is Lanai, Molokai and Hana now will have almost one-third of the vote -- it comes out to 27% on council, that vote of the population. There's only 6% of the population is comprised of Lanai, Molokai and Hana, and yet their percent on

Higa: (Continued) council vote is 27%, which is one-third of the council vote, and I just feel that that's not equitable, and somehow, although I'm not from Kahului or Wailuku, it seems to me that Kahului and Wailuku always seems to be getting the short end of the stick for some reason...even in the capital improvement programs they've been shorted, and also our...even between Kahului and Wailuku and Pukalani...with CIP projects we seem to be left out, and that's where the majority of the work force is in the Kahului/Wailuku area. And, with the Kahului/Wailuku area, they'll have only...there's thirty-three percent of the population...their vote is only twenty-two percent of the council vote. So, that's my concern there.

Wright: Do you understand that it's not going to be a true district, that these will all be elected at large?

Higa: I realize that.

Wright: It's simply a residency requirement, so Hana would not have a third...you know, one-ninth of the vote because that person would have to be elected by everyone, not just by the people in Hana.

Higa: Right, I realize that.

Wright: I mean, that was one of the issues that we went over in deciding whether to recommend going strictly with residency requirements versus going with pure districting which would divide things up and one area elects one member...who it is their member, so to speak.

Higa: I realize that the method, the unique method that Maui County has...in this... you reside in an area and you get elected at large maybe provides some balance so that the person who's from the area would have to weigh the rest of the island also, in order to get reelected they would have to do that.

Wright: Especially in Kahului and Wailuku because of the preponderance of the voters there.

Higa: Right, but then there's still...even with Lanai and Molokai, you know, there's some question to me about that too, but I can see because they're isolated by water, I guess it's harder to get to. But, I guess the better or the more pure form is to go the pure districting which is the one man, one vote...and I kind of hate to see that in a way because I think there's some uniqueness here that nobody else has, and we still meet the constitutional issue because we are voting at large; but then there's still the residency which has a greater weight than the at large vote.

Wright: Let me just ask you though, if you think it would be better to go to pure districting...which it seemed like you said maybe that's the better system to go to...

Higa: But then there's also the nimbi problem also, right? Where everybody wants all the goods things in their districts and all the bad things go somewhere else.

Wright: Well, that's what I was going to ask you about, you realize then though that even if you go to a pure districting it does not mean that Kahului and Wailuku wouldn't have the same set up. They way they did it once when they did a division to try and find where the seats would be...Molokai and Lanai would be lumped with part of West Maui, and there would be different divisions, but it doesn't mean that there wouldn't be a district for East Maui; there would be. I was trying to understand whether you thought pure

Wright: (Continued) districting would be better, or if you thought that the system should remain just as it is without the residency requirements.

Higa: If I had a choice, I would prefer that they remain as it is at this point.

Wright: Okay, because I wasn't sure which way you were saying was the way you want it.

Higa: I mean, if there's no other proposal to consider; so, I'm just opposed to this.

Wright: I just couldn't tell whether you thought the residency requirements were bad in that it would be better to go to pure districting, or if you wanted it to stay just as it is without even a change for the residency requirements -- I couldn't tell for sure which way you were going -- that's all I wanted to...

Higa: Unless there's another proposal or idea, but I'm just opposed to this idea right here; and, once you put it on the ballot, it could be like the Molokai Commission issue where, what was it, only ten percent of the voters voted for it and the rest didn't. So, once it gets on the ballot, you know, I think it's hard to get the message across, or the information across to the voter. And, that's where...and, that's why I'm here today, because I try not to speak out publicly because of my situation, but I just feel like nobody's...there hasn't been enough of us speaking out, so I'm here today to speak out. I wish I wasn't, but I am...and, that was one of the reasons I wasn't here at 4:00, because I was debating whether I should come or not. But, I just feel that it should be considered, and I think it's real critical what we put on the ballot because of our communication system on Maui, which I think is very poor, that it's hard to get educated and informed about what we should do.

The other area was Article 8, regarding the county department qualifications... and I know that you just addressed the prosecuting attorney, and I was kind of disappointed that you didn't address the rest of the departments. And, I'm looking at that and I was concerned you would be deleting the requirement for the prosecutor having practiced law in the state of Hawaii. I think constitutionally, if we had required that he had to be a resident of Hawaii, then I would have a problem with that, but this is just saying he has to practice law in Hawaii...he could be a resident of California and still practice law in Hawaii, or anywhere else in the country, for that matter, and still practice law in Hawaii. I just wanted to touch on that issue too; I feel that it matters that you at least have some experience of practicing law in Hawaii, or even...there's certain areas in government in administrative positions, you know, the department head positions and deputy director positions where I think they should have some experience doing some work or are familiar with Hawaii law, but for example, in planning...I think people should know about...because there's a difference. I've lived and worked in Virginia and California, and the laws are different; and although some of the principles are the same and you can pick up on it, there's some differences that take a while before you fully understand what's going on. And, I just have some problems with that requirement of deleting that...

Wright: I can understand your concern about a knowledge of Hawaii law, but as a practical matter, you do not generally practice law in a state in which you do not reside. I mean, I can tell you as a lawyer that it's not practical for me, even though I'm licensed in other states, to practice law in those states. If you're living in California, you do not generally practice law in Hawaii, except on a very limited basis, and vice versa. I mean, I may do something in some of the states I'm licensed in, but generally speaking it's not practical...nor would I be responsible in doing it in a lot of instances, because if you're not living there and constantly keeping up with what's going on, or the practice...not so much the law...but the procedures and stuff. So, as a realistic matter, if you're going to practice law in Hawaii...and we have a requirement that they practice

Wright: (Continued) law in Hawaii...it is, in effect, that they're most likely going to have to live in Hawaii. I'm just telling you from a practical viewpoint...

Higa: I guess, because I know of some attorneys who don't live here but who do practice...have some practice here, and they do some work here, and there is, to me, some difference. And, maybe you don't need three years practicing, I don't know, but to me there should be some connection. I don't necessarily feel it's true for all fields, but there's certain fields...I know for a fact in land use planning and land use law, I think there's a lot of differences in our Hawaii land use laws as compared to any place else.

Wright: What are you talking about then? Are you concerned about the corporation counsel or the prosecuting attorney, or both? Or, more?

Higa: Both...well, more...I mean, well, in this case because it's specific to prosecuting attorney, I'm also speaking about prosecuting attorney, also.

Wright: It will also be for corporation counsel.

Higa: Well, I think it should be.

Wright: No, I'm just saying the changes we're recommending, we're going...and it may not be clear from the draft you got...but the change to delete that would be for both corporation counsel and prosecuting attorney.

Higa: You were going to delete the requirement for corporation counsel? Why, I would really be upset about that! That would even be worse.

Wright: Why?

Higa: Because we already have problems now.

Wright: With knowledge of Hawaii law?

Higa: Yes, and especially in land use law; and so, if you're putting somebody in there and a lot of the work is related to land use and development laws, and we already have problems now, you know, so...

Wright: Well, but all I'm saying is that all it says is you have to practice for so many years in the state of Hawaii, it doesn't say you have to have practice in any particular area. You see what I'm saying? You can have somebody come in...

Higa: I realize that; no, I realize that.

Wright: You can have somebody come in who's practiced for five years in family law; I mean, it's not likely that they'd be nominated, I understand that, but you can have somebody who practices in a certain area of the law and they would still have no knowledge of Hawaii...

Higa: No, I realize that; I realize that, but all I'm saying is by practicing law in Hawaii you will also pick up on other things, and I realize that there's more than just land use law, you know...

Wright: No, no, I understand; I'm just saying that right now the requirement is... It sounds like you may want a more specific requirement, because what the requirement is right

Wright: (Continued) now is just five years, you know, or three years in law in Hawaii -- it doesn't specify a particular field of law.

Higa: Area, right; if this was addressing other department heads, then I would say that they should have at least the technical experience and knowledge of that technical area or function in which you're the director or deputy of that department...which we don't have right now.

Vice Chair Dodson: Was there anything else?

Higa: Yes; the other one is item nine, Article 7...on the allowing the investigators the powers and privileges of a police officer. I'm just concerned about that and I point out, like the whole situation with the sheriff's department...and where the investigators, well, the sheriff in this case, of course, the sheriff's department became it's own police department, in effect, and I think that that could become something like that, and I just feel that we have a police department and that's their function...that's what they should be doing and responsible for that area. And if the prosecuting attorney's office needs the assistance of the police...just as our zoning inspectors or building inspectors need assistance from the police...there's a line, I think, where the police powers should be limited to just one department or just one function area, instead of spreading out, because it could also go in to... If you give it to the investigators, why not give it to the liquor inspectors? Why not give that same power to the building inspectors and zoning inspectors...where they can arrest and do all the other police functions?

The other is item ten, which I kind of briefly went over with that. Number twelve, which is related to variances and appeals...I just picked up Paul's thing...I haven't read it but I did...I have some concern with the term provisions. I'm glad this has been put on the...or will be...except though if you're going to do it the way it is, then I prefer you didn't, because I think it's going to create more problems...well, additional problems that we didn't have. I agree that we should delete any general plan, because that, to me, is a policy document and the board of variances should not be varying that kind. The other thing is I have problems with the word provisions, and I think that should be changed to standards. And, the word any should be deleted. And, I think it should be more specific...where you identify that we're talking about the comprehensive zoning code, I mean, the comprehensive zoning ordinance as it's stated in Title 19; and also subdivision ordinance as stated in Title 18; and then the building code, as is stated in Chapter 16-26. And, the reason for this is the way you're stating it now, that would mean that... Does it mean that if you're talking about any zoning ordinance...there's also... we have conditional zoning...can the board of variances also change or vary the zoning conditions...because that's a separate ordinance from the comprehensive zoning ordinance... And, we also have other zoning ordinances that are not part of the comprehensive zoning ordinance; and, I think that we should be limiting ourselves only to the comprehensive zoning ordinance. And also, the provisions...in the past, the zoning board had been varying policy statements that were made in the zoning ordinance...in the comprehensive zoning ordinance...and, I think that that's not their area. Their responsibility is to vary primarily the standards such as setbacks, in yards or in height, or lot area maybe, and that kind of thing; and it's not to vary the objectives, or the policies, or the purpose and the intent of the zoning ordinance. The same with the building code and subdivision ordinance, you know, any time there is purpose and intent, or goals and objectives, I don't think that the zoning board should be...because that's basically like a policy statement. The other thing that they mention...about the provisions...and I know that there has been discussion...I know that the planning director submitted some comments, which I haven't seen, and I think reference was made to performance standards. Now, there's a difference between design standards, performance standards...where performance standards is a specific type of standard and in our zoning code, in all cases we do not have performance

Higa: (Continued) standards; we might have design standards or other standards that are not performance standards; so I wouldn't want to limit ourselves just to performance standards -- it should be just the standards that are in the code...or the zoning ordinance. That was my other suggestion on that.

On item fourteen, which is the establishment of the Lanai Planning Commission... I'm opposed to that also. And, although I sympathize and empathize also with them, I... you know, but then that's true of every district...that would want or could have their own tiny commission. I think that it creates a lot of problems in not only administering, but also in...why, I would think that you would also want to look at the budgetary costs, you know, or even per capita costs for establishing a full on planning commission; the cost to the taxpayer as far as setting up another planning commission...I think that there should be some facts and figures, you know, to show how much it's costing us to do that, as opposed to what's happening here...because I know what's happening in Molokai Planning Commission as far as the amount of money and time it takes the staff to do the work in manning a planning commission. And also, the budgetary costs...because there is a full time clerk; and, I don't see how that is justified when you have, for example, for the whole county we have like three hundred minor permits in the whole county, and like about three minor permits...or was it thirty...about thirty minor permits in Molokai, you know. And the zoning, like we have about fifty zoning applications, and maybe two or three zoning applications for Molokai. So, how do you justify having a full time clerk and having a planner participating in, and you know, all the administering the planning commission and each individual member's needs? And, I think that's the kind of thing that should have been explored in the first place, initially when we proposed the first one...and now we're coming in with the second one. Then, how do you deny any others from having one?

The other area was...I wasn't going to address Article 9...and Georgina and Ty should have been here...because I agreed with item...Article 9, item number 17, basically, and although I do realize that the way the system is set up in the county... that we may not be able to quickly come up with a new system if it's required...which is related to this certification of the budget. I used to do budgeting for...I guess the budget that I used to handle was maybe...it was not as significant as here, which was a \$6-\$8 million budget, and also a \$1 million project...but, I didn't see any problems with doing a quarterly. And, it seems to me, as a policy maker, and I've been on policy board where we had to review budgets and allocate funds and stuff for... I would want to know on a quarterly basis, and if possible on a monthly basis, what our budget accesses are; and, with the computerization and everything, it's not difficult at all to do. And, I was doing this manually because this was like twenty years ago, you know, that we were doing budgeting...and the process of budgeting and the financial auditing portion is just a completely different...well, not a completely different...but it's different methodologies that are used. And, that's why I don't see why it would be as difficult, you know; it's two different methods, and it's not as precise as auditing or doing the financial. So, it seems to me there shouldn't have been any problem with that; and I thought that was a good idea, in fact. But, I can see from an administrative point of view...because of our county system, and the lack of computer and electronic systems, that it may be difficult to set up immediately. And, that was one of the problems I think that we have in this case, and in the proposal with reverting the department of water supply back and forth...

In proposing these Charter amendments, it seems to me that whenever there's going to be a change in a system, there should also be some date or something where there's some transition or time in which there's a change over, because there seems like there's no warning, you know, before something changes from one thing...a system changes from one to the other...

And, I hate to skip, but I'm skipping to the department of water supply issue... on reverting it back to the county. I would like to point out that in the first place I was opposed to it being semi-autonomous, but, you know...and, I didn't think that enough thought was put into that when it was put on the ballot. But, now that it is semi-autonomous

Higa: (Continued) ...in fact, I think it may be better that it was autonomous...rather than semi-autonomous...but there has not been enough time to set up the system to become semi-autonomous, because it's only been actually three years...less than three years. But, it's been put on that system and I think it should be given more time to work itself out; and that also goes back to qualifications of directors and deputy directors. You know, where the Charter is so vague in who can become a director and deputy director...I mean, you know, just five years of administrative experience...just about...almost just about anybody could become the director or deputy of any department...where many of the departments are technical in nature, so it has to have...or it should have some technical experience as part of the job qualifications. I just can't believe that we don't require that, and I think that's part of the problem, maybe, with the department of water supply. You know, I'm not sure exactly, because I'm not sure about the qualifications of individuals, so...

The other...that was it, because the water supply was the last item... Initiative...with the initiative issue, I agree that maybe the time limit should be extended, but I question whether or not the percentage should be reduced; because, you know, I just feel that some of the issues are... And, if it's that critical or that important that you should be able to get, you know, the percentages of the people to get it on to the ballot.

Vice Chair Dodson: Any questions? Thank you very much. Daryl, thank you for your patience.

E. Daryl Yamamoto, County Clerk

Yamamoto: Am I supposed to present my assignment now? [LAUGHTER]

Vice Chair Dodson: You're on.

Yamamoto: This was the assignment that was given to me...this was not my proposal. [LAUGHTER] And, since the Commission didn't furnish me a real nice map, I had to go back and dig out an old issue of The Maui News, and use the council district map... And, at the last meeting I was asked to...since we have no written descriptions for the census tract boundaries, I was asked to try and come as close to what's being proposed by the Commission...but using precincts instead. Wasn't that my assignment?

Mancini: You had the discretion to use precincts or census tracts.

Yamamoto: I took the precincts because we don't have any descriptions of census tracts. What you have on this side is the...a precinct map, and it's color coded so it's easier to see. This map here is just an inset of the Wailuku/Kahului area so you can see it a lot clearer. The only difference in this map is that we've created...we split what was originally 10-6 into 10-6 and 10-7. So, what I did was take the Commission's proposal and tried to establish similar districts according to the precincts, and on your piece of paper I gave you I tried to...for lack of any way of describing the districts, I listed it districts one through nine with some geographical description next to it. If you look at districts eight and nine -- they're the easiest, you know; district eight would be Lanai, and district nine would be the precincts that comprise the island of Molokai. But, the figures next to that are your registered voter count as of July 3rd; and, that's the only sound figures we have now. I can get you the population figures, but that's going to take a little time to do. And, since I wasn't given ample time to do this assignment... [LAUGHTER]

Okay, getting back to the districts...the first district was fairly easy to

Yamamoto: (Continued) do by precincts because it follows this one distinct boundary here, and on your papers I described that as district one, so that would include precincts 7-1, 7-2, 7-3 and 8-1, and that's this area...this coloring in here.

And, going down instead of across the page, district two...I described that as Waihee, Wailuku...and in the newspaper it's described as Wailuku, Waikapu, Waihee district. It includes this district starting from Kauhakaloa into a portion of Wailuku -- instead of doing that, let me start with the easier districts, okay? That gets a little complicated.

East Maui is district six...that's comprised of precincts 12-3, 12-4 and 12-5. It's still going to get difficult...

Okay, what's described as Pukalani and Kula district seven...this is this bright colored area here...that's precincts 10-1, 10-2, 11-1 and 11-2. This I was able to pretty much go...keep within the proposal on this map.

When you get down to South Maui, I was having some problems because the South Maui district included Maalaea; but, in order for me to include Maalaea in this South Maui district, because of the precinct boundaries, I had to include part of Waikapu. Okay, that was one of my problems...and, the Waikapu split here is on Waiko Road, so the majority of Waikapu is in the South Maui area. And, the Wailuku side of Waikapu would be a smaller population of Waikapu and that would be in a different council district. If I wanted to include all of Waikapu in this area, then I would have to put Maalaea in this area, so it was a question of what was the intent...that Maalaea should be included here or included here. And, because, I guess, the current South Maui district includes Maalaea...and I think that's what the proposal intended, I kept it on this side.

For the Makawao, Haiku, Paia district...I just did this, so please bear with me...district five, correct...and that's comprised of precincts 10-4 through 10-7 and also 12-1 and 12-2. In order to include Paia, Haiku and Makawao, I had to include these precincts there. I stopped...and there's a little difference here than those proposed by the Commission...I stopped farther out from Kahului; and, I'll explain the reason -- I may as well get into this district now...

This proposed district here for Kahului and Wailuku...I tried to...I looked at the census tract and I tried to follow it as closely as possible, but if you did that, what would happen is...there is a boundary split here between the ninth and tenth district. And, if I followed the census tract map, what I would be doing is taking a small subdivision of Kahului which is along Dairy Road -- which unfortunately is in the tenth district -- the rest of Kahului is in the ninth district, and I would have to include that in the Paia, Haiku residency district as proposed here. And, that would also include the remaining residents in Puunene. So, rather than do that, I included them...I extended this area here to include that subdivision in Kahului as well as the residents of Puunene, because no one else is affected.

For the central area...again, I tried to follow the census tract as close as possible, and this map, to get some idea of what was being proposed. I didn't have time to color this in, but basically I tried to follow this area here and keep it...using the precinct boundaries again. And, what actually happens is, if you do this, this boundary that separates the Wailuku, Waikapu, Waihee district from the Kahului/Wailuku district... the boundary would be Lower Main Street, a portion of Main...along High Street, Kaohu Street and down to Waiale Road -- in this area here, the portion that I told you about that I extended out.

And, what I tried to do was list all the precincts that are going to be in these proposed districts, and color it so you can see where these proposed districts would be. Any questions?

Mancini: We have some major discrepancies.

Yamamoto: Discrepancies as far as...

Mancini: What the original plan was and what you put together here.

Yamamoto: Okay, this area here...including this one precinct that I refer to as...when you follow the census tract boundary, they use that boundary as the split between the tenth and ninth districts...but I included this precinct because it was a portion of Kahului and Puunene...

Mancini: Is that the Dairy Road subdivision?

Yamamoto: Yeah, I included that; the problem that I ran across was this Waikapu area... we have that problem right now with this boundary splitting on Waikapu Road.

Mancini: So, Waikapu is part of Kihei, Makena and Maalaea...as opposed to being part of Lahaina or West Maui.

Yamamoto: Right. Otherwise I'd have had to move Maalaea in this area here.

Mancini: So, you've got the Waikapu...is an issue because that's no longer West Maui, that's Kihei...

Wright: It wouldn't be West Maui, Paul, would it?

Yamamoto: Well, it would be included in this district here...from Kauhakaloa, Waiehu...

Mancini: Oh, so it would be part of the Wailuku one...

Yamamoto: Right, this one here.

Mancini: So, it's not part of Wailuku, it's part of Kihei. And, the other one is...how big of an area is it in Kahului that's brought in to the... The Dairy Road subdivision becomes a part of the Kahului...

Yamamoto: Right.

Mancini: As opposed to being part of what?

Yamamoto: Haiku.

Mancini: Okay. It seems characteristically it's closer to Kahului than it is to Haiku.

Yamamoto: Which area?

Mancini: The Dairy Road area.

Yamamoto: Yeah, it is; it's just an extension of Kahului...so, that's why I kept it here.

Mancini: It just makes sense.

Yamamoto: Yeah; thank you. [LAUGHTER] And, I used this precinct because then it would put Sprecklesville with Paia and Haiku and Makawao together.

Mancini: So those are the only issues you see that create discrepancies? The Waikapu and Dairy Road?

Yamamoto: I wasn't quite sure...and I really didn't have time to check it...the proposed boundary was either this one here, or this one here -- Huelo is out here, and the reason I didn't use this is because if you use this then you'll split Haiku. So, I had a choice of either using this boundary or this boundary, and I chose this so you wouldn't split Haiku.

Vice Chair Dodson: Anything else? Why don't we take a ten minute break so everybody can come up and look at the map if they want to?

Yamamoto: Just one thing...and this is just based on the experience that we're going through right now...when we updated our voter registration cards, we had some real irate people and it's not something that we can do too much about...but if you split Waiko Road and you have people on one side of the road being forced to vote at another polling place than their neighbors across the street... The same way with Haiku -- I had a woman crying to me on the phone for about fifteen minutes. But, the problem with establishing boundaries like this...as you get into this more urban areas...if you use Lower Main Street, you're going to run into the same problem. People on one side of the street can only run for this district as opposed to the neighbors who live on the opposite side...

Vice Chair Dodson: Okay, ten minute break.

[RECESS/RECONVENE]

Vice Chair Dodson: Okay, with all that out of the way, now I'd like to turn the meeting over to Paul and get on with some discussion on the proposed amendments.

IV. COMMUNICATIONS

- A. Paul Mancini, Charter Commission counsel, review of proposed Charter amendments and checklist.

Mancini: I understand that we're not going to vote today, correct?

Vice Chair Dodson: That is my understanding as well.

Wright: August Third is voting day.

Mancini: Let me tell you what I did... There was a request last time that I try to clarify this issue of granting variances, so I wrote the memo...initially I was going to give you a number of articles for that...I didn't think that would work, so what I did was I defined...there are two types of variances that are normally granted -- an area variance and a use variance. I gave you what our county code criteria is with regard to those, and then I took a look at some case law with regard to it. The major purpose was to show you generically there are two types of variances -- the area variance, which deals with things like set backs, heights, structural issues -- and use variance, which is a variance to give you a use which is not allowed under your zoning code. And then, I dealt with the general criteria that's conventionally applied to both of those types of variances. And then, I related it to what our code is, and our code doesn't take the conventional approach; the code takes the more difficult stringent approach which is unnecessary hardship...which is very difficult...and applies it to all variances, whether it's a use variance or a... And, that's why I think you'll find the department of public works and the department of land use and codes...probably ninety-five percent of the applications for variances recommend denial, because it's a very difficult to meet the more

Mancini: (Continued) difficult criteria of the code, which is the unnecessary hardship criteria. Most of the case law or main jurisdictions use the practical difficulty with regard to area variances...we don't utilize that, we use unnecessary hardship...and I related some of the case law dealing with that...which is the zoning code almost comes to a constitutional taking of property by the application of the code to your property...that you really don't have beneficial use of your property. And then I showed you...also the case law says the code applies one standard to both types of variances -- that one standard applies -- you don't go to practical difficulty. So, you might find it to be interesting reading; it deals with, I think, Bob Nakasone's concern from last time that these area variances troubled him...I tried to show that these aren't something that is unique to our jurisdiction, and that it exists in most jurisdictions with specific criteria.

The other thing I did was I updated the check list of concerns. And, as you recall at the last meeting, there were no votes but there were concerns that developed, for example, the issue should the provision that we were going to utilize for prosecuting attorney...with the lack of the requirements to practice in the state for three years apply to the corp counsel -- there seemed to be general concensus in that, but I just brought it up as an issue because it really has never been voted on. I'll quickly walk through these -- it won't take very much time because you're all familiar with all of them...

Council composition...the issue here is exactly what Daryl was saying...his problem with the census tract and precincts, and how do we compromise that...and that's the issue Daryl just dealt with.

Terms of the county council and mayor...I've noted the mayor's letter of July 16, where she expressed her concern...as she said, it makes a tough job tougher. So, that issue is applicable to both issues...3-3 and 7-2.

Qualifications for council member...this was the issue that Bob Nakasone raised last time...is that we're requiring someone who...the candidate who looks to qualify for an area residence to be a resident at the time of filing. And, there are three options available for this -- at the time of filing, at the time of election, and at the time of taking office. And, that was discussed last time, and obviously not resolved.

Salary commission...this section is to be relocated to boards and commissions, and also the issue was raised as to whether four years should apply to the salary commission and not two years...right now the proposal is two years.

Section 8-3.2. we just discussed...the corporation counsel and the prosecuting attorney...the three year practice requirement.

Director of finance...the issue of warrants and checks...we discussed that for a few minutes today already.

The board of variance and appeals...the language...the strict application provisions contained in any zoning code...this is the issue that Julie Higa just brought up. In addition, there was one sentence that was left off that section having to do with the public hearings...that has to be added and I made note of that.

Planning commissions...two issues here still we haven't discussed...until we resolve the conflict of interest issue; and second, we did note last time that there was not requirement that the commission members for any planning commission had to be residents of that island...and we talked about putting that requirement in. Right now, you've got a Molokai Planning Commission but there's no obligation in the Charter that the members of that commission have to be residents of the island of Molokai; same thing for Maui.

The department of water supply...we have a number of issues; you have the mayor's letter of July 16 relating to the council's veto power over the department rules; you've got...Bob Nakasone raised the question of whether the rates should be enacted by ordinance as opposed to rules; and you had Anne's comments last time that the rates were really part of the budget process when the department was part of the county. Those issues that are somewhat outstanding...

Mancini: (Continued) Time for the budget hearing...I think the discussion there was that it probably wasn't a good idea because of the two week requirement for publication, but it was never voted on so I just defined that issue.

The appropriations...this is the certification issue which we went into at length with Wayne, Ty and Georgina.

The operating budget question was only whether we ought to define the operating budget as a legislative and an executive budget. The provision that's been recommended is to let the mayor and council initiate amendments to their respective budgets, and there was some question about clarifying the language there.

Audit requirements...this is something we talked about last time -- does it really make sense with what comes out to be a six month audit -- and is it really an audit we're looking for? And, I think the discussion was that it really is not an audit. But, that's the issue and I just identified the issue.

Code of ethics...the issue was the prohibition on the county officers and employees representing private interests before any county agency. It's been drafted and proposed to deal with on a non-compensation basis...trying to deal with the private nonprofit organizations. But, there were other issues we looked at concerning that; I think the conclusion was that there are many members of boards and commissions that are effectively precluded from participating in the governmental process because of this prohibition. And, we looked at the Big Island provision which attempted to allow a non-salaried, non-employee officer to participate as long as it wasn't before his own board or a board which would be affected by his activity. Now, we were going to look at the City & County provisions -- I guess we're having difficulty in getting that...it was passed by an ordinance...we still don't have that.

Section 11-14, if you recall, we had a problem when the fifteen days commenced... it was not defined.

11-16...where the initiative petition could be withdrawn thirty days before the vote -- that's the existing provision...we discussed whether that was reasonable.

The recall provisions...if you recall, we had a rather flamboyant definition of when it would go on the general election or special election; we discussed the fact that maybe we should just increase the criteria to 180 days, rather than the language that we had in here.

As I said, we didn't vote on any of these. I had another one here which is more general, but you may want to discuss...and that's a priority issue -- how many questions do you want to put on the ballot, and do you want to set priorities if you want to limit the questions. The way it is now, it doesn't appear you're going to be proposing a new Charter, so it wouldn't go on as a new Charter, it would be a series of questions...and the voters have the opportunity to say yea or nay. So, you may also want to discuss the issue of whether you would like forty questions, thirty questions... because if you discuss that issue, then you would then start to set priorities. That wasn't a discussion, that was just as I was going through here looking at the question... if you put on the ballot all the issues you have now, it may not be a highly effective ballot for some of your purposes. But, that's more a political question than a legal question.

I think all of these questions are pretty clear...is there anybody who does not recall what the issues are...I certainly can go into greater detail, but I discussed them all last time and some of the issues you were moving one way or the other but there was no vote on them.

Takabuki: Do we need to be writing letters or doing something to answer some of these things?

Mancini: The only thing where we've got a few letters back, if you recall, one of my comments here was on the question of the prosecuting attorney with police powers...you

Mancini: (Continued) never got a response. Finally we did get a response from personnel services...not specifically saying there's a problem, but there would have to be some changes as a result of it.

Fabrao: And also from Chief Tagomori of the police department.

Mancini: And, Howard Tagomori wrote a letter which you can interpret a couple of ways.  
[LAUGHTER]

[Staff: Paul, I would need another ordinance number for that one...the one we got faxed to us was not what you were looking for.]

Takabuki: I'll follow up on that and try to get... Some of these things, I think, require input...I know some of these should have been addressed with Daryl, and I guess we forgot to do that...on the last sections on the recall...the fifteen day commencement and the thirty day withdrawal...and, there was one more, so maybe we just need to... Do you want me to follow up with him? Do I need to talk to him or have him come back or...

Mancini: I don't think you have to...why don't you just call him? Takes some notes so when you're voting you can give a personal report on what his response is.

Takabuki: Okay, I'll take care of that.

Mancini: Can I answer any questions...either on the memo -- you probably haven't had a chance to read the memo on variances or on my checklist. Did I miss anything? What I didn't want to do is I didn't want to go back and redraft the report...I thought that would be premature. I'll probably start to redraft sections of it that I think will probably be passed just to stay on top of this so I can get a final draft done as quickly after the 3rd...

Wright: Paul, it's more to do with what you're talking about on priorities that I was going to ask you about. Just from your recommendation standpoint...are you suggesting that some things should just be grouped together -- a joint question? Or, are you saying some things shouldn't be in at all because the length could be such that we just don't get a good response? I'm not sure what you were saying when you were talking about the priorities.

Mancini: Okay, let me go back...I checked a couple of weeks ago with the Big Island to determine how they made their decision on the ballot, because they had a very large ballot. And they didn't group their questions together in dealing with some housekeeping, but they did group one or two questions jointly. And I asked them if it was researched, and they indicated that they were told by corp counsel -- first, that they had no jurisdiction over the ballot; the ballot was strictly the jurisdiction of the clerk with the advice of the corp counsel. Their obligation under the Charter...which is, if you read our Charter...it was the same provision...just file the report and..."The commission may propose amendments to this charter or draft a new charter which shall be submitted to the county clerk fifteen months after the commission has been appointed. Upon receipt of the amendments or a new charter..." Your obligation is either to draft a new charter or draft amendments to the charter. "...the clerk shall provide for the submission of such amendments or new charter to the voters." It's pretty similar to the Big Island's, and the conclusion there was that once the clerk had obtained it, the ballot became his jurisdiction because he works technically under the lieutenant governor's office. Your obligation... the commission shall publish not less than forty-five days before an election at least once in a newspaper of general circulation within the county a brief digest of the amendments...that seems to be your jurisdiction...or the new charter and notice of copies or

Mancini: (Continued) amendments are available. They concluded on the Big Island that you didn't have the opportunity to take the question...shall the charter provisions with regard to the executive branch of government be approved...because that wasn't the amendment. The amendments are shall this change in prosecuting attorney's office...this change in the finance director...et cetera...which, I think, there's some logic for that. That was their position on that, so let's take the assumption that that's correct, then you have an obligation to give to the county clerk each of those amendments, and then he has an obligation to pass those amendments on with some clear statement of what they are to the voters. If you've got forty amendments, then you put forty questions. Now, on the Big Island they played some interesting gymnastics, because they combined a couple of questions sometimes in a sort of stick and carrot approach. Where they felt strongly about something...they may tag it to something that they thought had a lot of public appeal...shall the council be limited to two years... [LAUGHTER]

Reyes: That's what they did...that's how they got their districts.

Mancini: Yeah, so they combined those things and their reasoning for being able to combine it like that was...well, let's not comment on it... So, my logic in thinking about that is that if you've got forty-two amendments, is that something that you want to do on a ballot. Then, you might want to take...if you were to put ten amendments on, what would your priorities be? Because, obviously some of these amendments have greater significance than others...

Wright: I think we had always anticipated that some housekeeping ones would somehow be lumped together in one question -- do you agree that we should...or whatever, but I'm not sure how that would work out. I'm just saying that I think our assumption was that we didn't want to have forty-two amendments listed, but that a lot of minor ones we wanted to have grouped together as, you know, here's some clean up and do you agree or disagree. And, it would be one long question, perhaps, but it would be one question to get rid of a lot of it -- maybe fifty percent of the stuff, and the rest, like you said, get prioritized as far as the important ones.

Mancini: I asked Daryl what the procedure's been in the past, and his response was he received from the Charter Commission their report, which is their recommendations; he sent it up to corp counsel for corp counsel to assist in developing the ballot to pose those questions to the voters.

Wright: Well then, I guess it just depends if there's some way we can present it in our report in prioritized fashion; but otherwise, it sounds like they are going to group it for the ballot.

Fabrao: Are you saying too that the language...are you saying the corp counsel would use his language versus ours?

Mancini: Well, I'm saying that's generally how it's been in the past.

Vice Chair Dodson: Are you talking about language for the proposal itself? Or for the ballot?

Fabrao: For the ballot.

Vice Chair Dodson: Are we going to make language for the ballot?

Mancini: Yeah, what Daryl...what makes sense is you can make a recommendation for what

Mancini: (Continued) the ballot would be like, and then Daryl would take that to corp counsel; and, that recommendation could be part of your report. And, I think Daryl's position was that he's pretty much gone along with the recommendations unless there was a legal problem with it.

Wright: That's more what corp counsel's going to do...is take a look at the recommendations to see if there's some reason why he thinks those cannot go on the ballot. I don't know if corp counsel's going to be as interested in changing the language...

Mancini: Well, the amendments are your amendments...

Wright: That's what I'm saying...I don't think that...I think they're just looking at the legality, they're not looking at draftsmanship or something.

Mancini: The question is, for example, let's just take one that makes it interesting... the question on the ballot would read -- Should the department of water supply revert to a department of the county? Now, your recommendations are pretty comprehensive recommendations -- that general question brings the broad topic up, but it doesn't deal with the question of who passes rules and regs, how do you set the rates, who appoints the water director --and obviously, you're not going to publish in the ballot the provision itself; it's a question of how that question is posed to the voters. They would then have the obligation to get themselves...and I guess it's to some degree your obligation to get them educated; you have the clear mandate in the Charter of publishing in the newspaper. But, I think that's a clear example...you can't publish on the ballot that change; you've got to make a statement, and that statement has to say yes or no...they vote for it or against it. Should Lanai have a planning commission? That makes it a little simple -- it doesn't say how many members in the planning commission or anything else, but it gets the message across. But those are the questions, and if you want to propose those questions for the ballot as part of the report you certainly can do that.

See, we don't have a lot that's "hot"...for example, the question could be... Should the department of public works and the department of human concerns have their department names changed to -- you might put that in one question. If somebody says yeah, I agree that you should put housing in human concerns, but I don't like waste management in the department of public works...well, then they won't have an opportunity to vote on it that way, and you might have somebody saying that's an improper question...you were making two amendments and I only had a chance to vote on one.

You might be able to lump all the financial questions...but in lumping them, you really can't ask... If you were to put together the abandonment of CIP projects, the changing, the transfers, the quarterly certification, the date of public hearing -- it's tough to lump all of them together, although it's generally the same subject matter.

Vice Chair Dodson: But if we don't, then we're going to be putting on forty questions.

Mancini: That's why I'd get my own issue of priorities out there, and so you might want to think about priorities and examples -- if we were going to put twelve questions on the ballot, what twelve would we put on?

Vice Chair Dodson: The ones lower on the priority list, you're saying, we would group together...like the budget we might group all but one question on there together, but one that is a higher priority than anything else we'd put up on the top?

Mancini: Now, Allan would want council composition; somebody else would want the board of water supply; I'm sure a member would like the Lanai planning commission -- there are certain ones that pop out...that are certainly significant and you've spent a lot of time

Mancini: (Continued) on. The name of public works and human concerns may not get equal attention with some of them; but, I bring it up only as an issue which is not in your check list, but it's something to think about.

Wright: Well, that's definitely something we have to get going on...as far as what we're going to do on this.

Mancini: Because on the 3rd you come here and you vote for forty amendments...

Wright: That's right.

Mancini: And you vote for forty and you say okay, Paul, write the report...and then I'll salute...

Vice Chair Dodson: Well then, on the 3rd meeting when we're voting, we can also prioritize at that time in that...because it's really hard to prioritize something that may not even go anyway. If we prioritize board of water supply as number one, but it doesn't pass at the end...it makes no sense.

Mancini: Well, I don't know how you're going to go through your decision making process, and that's why I bring it up...because you can see all of the issues, and many of them have been debated in very heated debates...but then you go and vote on every one and you get so many questions -- what do you do then? It seems like you've got to think of the first question -- how many do we want to put on the ballot -- you may want to say okay let's vote -- let's take up ten first, that we want to put out, and then let's see what's next... I don't know how, you know, there's different ways to go with decision making -- but, it's an interesting question.

Vice Chair Dodson: So, what we need to figure out when we do our voting on August 3 -- how to do it -- that's a good place to start.

Mancini: You may decide to go ahead and vote on every one; we've passed these so far, and we're going to go through and we're going to put them all on the ballot. That may be your decision.

Wright: Or something like you're talking about...questions where you say...Do you want the board of water supply to be back in a county department under the mayor. The information that is produced, that includes the fact that the recommendation is rules be set this way, this happens that way... That's how they've been in the past because I know you had to read those things...because the simple question that was posed, was not encompassing the true amendment or the breadth of the amendment...because I remember being very startled when I see what the question on the sample ballot was going to look like...and then I'd go read and see what they said the amendment was going to be, and it was much more encompassing...like you're talking about...then some of these questions, and I was like whoa...I would have said yes on the question, but when I read the amendment, I don't want to do that. So, sometimes it depends, you know, how broadly you're going to do the kind of question, or what's going to be encompassed by the question and the vote on the question.

Mancini: Well, the problem is...and, I recall the last ballot, and I think all the questions were put on by the council last time, I believe...two years ago and I really didn't study it, and you get there in the ballot booth and you look down and you read it, and you say well, what's the pros and cons in me doing this; and, if you can see some logic you might vote for it, and if you find no logic you probably would either not

Mancini: (Continued) vote or vote against it. If you didn't vote, and I think that was Julie's issue with the Molokai planning commission...if you didn't vote -- that's almost a vote in favor, in a certain sense. So, the education of the public is awful important.

Wright: But, I'm just saying that sometimes that's what they've done...and so, it's a matter of like you said...are we going to only put a certain number on, or will some of those questions encompass actually a much wider...more amendments than just one...encompassed that one question. Because, that's what I've seen sometimes in the past, and actually, I can't say I'm real thrilled with that, because it is misleading to people who come and it's a simple question -- Do you want the water board with the mayor, or do you want it semi-autonomous? And, you go...oh, I want the mayor -- the Charter amendment says that it encompasses a whole lot more than just transferring it back to the county. And so, to some extent I think it's, you know, if you don't educate yourself or the public doesn't get the education from us, it's a little misleading when it's a general question. You don't understand the scope of what you're voting for when you go in there sometimes.

Mancini: One of the concerns I had, and in the check list I've mentioned it...that's the second check list, is we really haven't gotten into the details of the department of water supply in the change...we just took it up from the last Charter...we just transferred it over without any debate on any of the provisions.

Wright: Yes, that one's going to be...I mean, we need to do something about that, because it's probably not going to be where the questions are even all answered -- I mean, they're obviously not just by a vote on where it's going to be.

Mancini: If you recall, my question was what is the obligation, and what are the rights and obligations of the board of water supply under the new system...do they have any? The response was well, let's just take the old Charter and give them whatever the old Charter gave them, which is strictly advisory.

Takabuki: Should we be asking Guy Haywood about whether he would allow or pass questions that would be proved questions? Because if we didn't have an answer to that and we voted on August 3, it would have a definite impact on how I would vote -- I would vote no for certain things -- if I didn't feel, you know, we could actually group it together because I don't want to present forty questions.

Mancini: Well, I think you'd have to ask yourself what you want to group together -- that's what I was looking at.

Yonenaka: Didn't they have that...I remember at one time there was a group of questions that there was a blanket yes or no to all of it.

Mancini: Well, they're always yes or no, but I don't remember...

Yonenaka: No, I mean there was one yes or no vote.

Vice Chair Dodson: Five questions...do you agree with the following, or that type of thing...and it had like five different things on it.

Mancini: So you had to vote...that's sort of what the Big Island did only they did it like two or three -- they said do you affirm and they gave a combination of two or three, which it seems like you -- they're getting the opportunity in combined manner. But, I was looking at how do you logically group things...and there should be some meat to it that ties it all together -- it's not that easy.

Takabuki: Right.

Fabrao: If we decide...well, we won't know until we vote anyway, how many of those will need to go on the ballot...and they'd be prioritized anyway...my concern is that something that needs to be taken care of in the Charter gets left because we decide not to put it on the ballot. And, it's like again...the next Charter Commission is going to have to take care of that one...it's a housekeeping job or something like that. I know the important things probably would either get on...

Wright: I think it's something we were wondering and trying to figure out if there was some way we could lump those housekeeping matters together, because I don't want to leave them and just not put them on; but at the same time, I don't want to give them the same stress that something really more important has, but I want them to have the opportunity to either say yea or nay on them. But, I don't know how to lump some of those, because as Paul said, they don't necessarily have a common theme -- they are just housekeeping matters and they are not necessarily a common theme of any kind.

Mancini: I think you should go through and start looking at the questions, and almost put them into two categories -- important and less important. [LAUGHTER]

Vice Chair Dodson: Actually maybe three categories -- important, less important and housekeeping. Housekeeping, if it's truly housekeeping, then I think we can put that together and word it on the ballot so that -- why are you laughing already?

Yonenaka: Well, at least you didn't say the least important...if we put it on the ballot... this is the least important stuff so we put it together.

Vice Chair Dodson: No, but the housekeeping stuff...I think if we educate the public enough in our tabloid and so forth...prior to...and we explain that these are housekeeping in the sense that they are clearing up, you know, certain problems like with the gender of the Charter...that type of thing...

Mancini: You don't have a lot of those though.

Takabuki: They all have some substance.

Mancini: Most of them are substantive though.

Yonenaka: Yes, I think too in terms of the general public -- five amendments max.

Vice Chair Dodson: Oh, no -- there's no way.

Yonenaka: I know, but what I'm saying is when you're looking at some...then, I don't think anyone's going to read the whole thing...I mean, people will, but I think on some of that stuff you're going to have a lot of blank votes.

Mancini: Like we've got twenty-five different generic sections...and in the twenty-five, you've got subsections -- for instance, on your code of ethics...that's number twenty, but I think we've got four changes in the code of ethics that are proposed. I suppose...

Wright: Then I guess you'd have to say Do you agree that the Charter amendment should read...and put them all in that one. [LAUGHTER] I mean, that's what I'm saying...you know, that's almost the way you have to do it in order to get all four.

Mancini: You could probably do one for the code of ethics, and they say yes or no, and that one has four components.

Wright: Yes, but that's what I'm saying...you almost have to do that then because you can't do separate ones.

Mancini: But then if you did all those, you've got twenty-five.

Wright: Yes, I know, that still has to be cut down, but I'm just saying you have to at least make sure that those subsections are lumped somehow. Well, I think it's a good idea...each of us needs to take a look at what are our priorities.

Reyes: Paul, I just wanted to make sure that we didn't leave out something... Do you recall that we have to get an opinion from either the public works or the department of planning regarding some of the zoning functions that would have to be...was being considered whether it should be moved from the department of public works to the department of planning? We were supposed to get some response from both or either one of them?

Mancini: I think we got a letter from Brian (Miskae) last time, and I don't think public works has taken a position...Francis Cerizo testified that he wasn't prepared to take a position as to whether the enforcement provisions -- no, subdivision, that was the issue... the administration of subdivision go to planning.

Reyes: But on some other aspect...my recollection is either the first or second appearance of the department of public works...he mentioned that he spent a lot of time testifying to the county about zoning matters...and I feel that the director should be concerned with the infrastructure rather than, you know, those type of matters that he spends a lot of time...although now that he has a deputy...but still, ultimately, he's answerable to the mayor and the council.

Mancini: I think one of the reasons that it hasn't been focused...is that it is not one of the ones that you voted in favor of doing something with...at this point. You didn't look the subdivisions over, you didn't look at changing code enforcement, although some of those questions are dangling out there...

Reyes: Well, I for myself...the reason is I am confused, I mean the definition of zoning, variance and all those things, you know, it's only lately that it's been coming into focus and I have understanding but it's very remote territory for me...that's the reason I wanted, you know, at least for myself I want some clarification so I can pursue it.

Mancini: I think you generally had two views...I can't recall perfectly, so someone clarify if I'm wrong...I thought planning took a position that it had no problems with subdivisions moving over to planning nor the enforcement of the zoning provisions, and I think public works may have taken the position that they thought the two should be separated -- there was too many activities in planning.

Vice Chair Dodson: It would give planning too much power; that was the bottom line, wasn't it?

V. NEXT MEETING DATE

- A. Wednesday, July 29, 1992 - Full Commission Meeting  
4:00 p.m. - Council Committee Room, 7th Floor, Kalana O Maui
1. Priority Issues
  2. Form for Amendments
  3. Check List -- Areas of Concern

V. NEXT MEETING DATE (Continued)

4. Guy Haywood, Corp Counsel -- comments on draft Commission report and ballot
5. Daryl Yamamoto, County Clerk -- comments on ballot

VI. ADJOURNMENT

There being no further business, the meeting was adjourned at 6:35 p.m.

ACCEPTED:

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Sherrilee Dodson, Vice Chairman                      Date