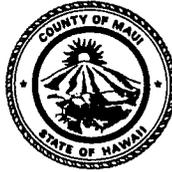


ALAN M. ARAKAWA  
Mayor

KEITH A. REGAN  
Managing Director



Joshua A. Stone, Chair  
Wayne N. Hedani, Vice Chair  
Artemio C. Baxa  
Stephanie S. Crivello  
David P. DeLeon  
Frank R. De Rego, Jr.  
Clifford P. Hashimoto  
Susan A. Moikeha  
Linda Kay Okamoto  
Yuki Lei Sugimura  
Flo V. Wiger

CHARTER COMMISSION  
COUNTY OF MAUI  
C/O DEPARTMENT OF THE CORPORATION COUNSEL  
200 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
Email: Charter.commission@co.maui.hi.us

June 29, 2011

Keith A. Regan  
Managing Director  
Department of Management  
200 S. High Street  
Wailuku, Hawaii 96793

RE: Purchase of software for GIS redistricting solution

Aloha Mr. Regan,

Following a presentation by GIS coordinator Bill Medeiros on redistricting, the Charter Commission was informed that GIS would be able to assist in a greater capacity if they were able to purchase a specific redistricting software program. Mr. Medeiros also mentioned that other County departments and commissions would benefit from this software purchase.

As the Charter Commission Chair, I would like to formally request that Maui County purchase this software for GIS so we may better accomplish our work on the Charter.

If you have any questions, please call me at 870-7227. Thanks for your time and consideration.

Mahalo,

**JOSHUA A. STONE**

JOSHUA A. STONE, Chair  
Charter Commission Chairman

cc: Charter Commission Members

071111 - Reg - Item No. II. A. Pg 1 of 1

ALAN M. ARAKAWA  
Mayor

DAVID C. GOODE  
Director

OWENA M. DAGDAG-ANDAYA  
Deputy Director



RALPH M. NAGAMINE, L.S., P.E.  
Development Services Administration

CARY YAMASHITA, P.E.  
Engineering Division

BRIAN HASHIRO, P.E.  
Highways Division

COUNTY OF MAUI  
DEPARTMENT OF PUBLIC WORKS  
**DEVELOPMENT SERVICES ADMINISTRATION**  
250 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793

June 23, 2011

Charter Commission  
c/o Department of Corporation Counsel  
200 S. High Street, 3<sup>rd</sup> Floor  
Wailuku, Hawaii 96793

Subject: Proposed Charter Amendments and/or Recommendations  
From The Board of Code Appeals

RECEIVED  
CORPORATION COUNSEL  
2011 JUN 28 PM 2:08

Dear Charter Commission Members:

This letter is in response to your memorandum dated May 10, 2011, requesting amendments and/or recommendations to the County Charter from the Board of Code Appeals.

The Board of Code Appeals met on June 15, 2011 and after due deliberation unanimously voted to recommend combining the Board of Code Appeals with the Board of Variances and Appeals.

If you have any questions regarding this letter, please contact Jarvis Chun, Supervising Building Plans Examiner at (808) 270-7236.

Sincerely,

HERMAN NASCIMENTO  
Chair, Board of Code Appeals

JLC

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071111 - Reg - Item No. II.B. page 1 of 1

ALAN M. ARAKAWA  
Mayor

WILLIAM R. SPENCE  
Director

MICHELE CHOUTEAU McLEAN  
Deputy Director



COUNTY OF MAUI  
**DEPARTMENT OF PLANNING**

June 21, 2011

RECEIVED  
CORPORATION COUNSEL  
2011 JUN 27 AM 10:09

Mr. Joshua Stone, Chair  
Maui County Charter Commission  
c/o County of Maui  
Department of the Corporation Counsel  
200 South High Street  
Wailuku, Hawaii 96793

Dear Mr. Stone:

**SUBJECT: LANAI PLANNING COMMISSION'S COMMENTS FOR THE MAUI  
COUNTY CHARTER COMMISSION**

At its regular meeting of June 15, 2011, the Lanai Planning Commission (Commission) reviewed the above request, and after due deliberation and receipt of testimony, voted unanimously to approve the following recommendation:

1. That the status quo be maintained with respect to the election of County Council members. The Commission expressed concern that any changes to the election system could result in Lanai being grouped with another geographic area and the loss of Lanai's dedicated representative.

If additional clarification is required, please contact Staff Planner Gina Flammer at [gina.flammer@mauicounty.gov](mailto:gina.flammer@mauicounty.gov) or at (808) 270-5780.

Sincerely,

*GR* GERALD RABAINO  
Chair

xc: Clayton I. Yoshida, AICP, Planning Program Administrator  
Gina M. Flammer, Staff Planner  
Lanai Planning Commission  
Leilani Ramoran-Quemado, Secretary, Lanai Planning Commission  
Project File  
General File

WRS:CIY:GMF:rm

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071111 - Reg - Item No. II.C. pg 1 of 1

**Charter Commission Public Meeting**  
**Lahaina Civic Center**  
**Wednesday, June 28, 2011 at 6:30 PM**  
**Testimony**

**Introduction**

Good evening Commission Members, my name is Don Gerbig. Although I am currently a member of the Maui County Board of Water Supply, I am here representing myself only, and do not represent the Board nor am I authorized by the Board to give this testimony.

**CURRENT CHARTER AMENDMENT GOVERNING THE BOARD OF WATER SUPPLY**

**County Charter**

**Section 8-11.3. Board of Water Supply.** The board of water supply shall consist of nine members who shall be appointed by the mayor with the approval of the council. The director of the department of planning and the director of the department of public works and environmental management shall be non-voting ex-officio members of the board of water supply. The board of water supply shall act as advisor to the director of the department of water supply, the mayor and the council in all matters concerning the county's water system. (Amended 2002, 1988)

**SUMMARY OF DUTIES**

In addition to the above Charter requirements, an ordinance was recently passed that requires the BWS to hold hearings on the new County "**Water Used Development Plans**" (WUDP) after submittal/completion, and to submit the Board's recommendations on each plan to the Director.

The above current duties of the BWS can be summarized as follows:

- 1) To hear appeals from water users not satisfied with current decisions made by the Department of Water Supply (DWS)
- 2) To hold public hearings, then summarize and submit the information on new Water Use Development plans for each county water district to the Director of the DWS.
- 3) To review the DWS Supply annual budget each year before submittal to the Council.

The DWS Director and often the Assistant Director are also present at the BWS meetings, and are primarily utilized as water informational resources, taking their time away from their department duties.

**RECOMMENDATION NO. 1**

As shown above, the BWS current duties are few and could easily be reassigned or redistributed to other areas without loss in continuity.

Appeals could very well be handle by another County appeal board since the appeals are more legal in nature and do not require expertise in water technology or department operations.

All Water Use Development Plans (WUDP) are currently being handled by the County Council Water Resource Committee and then the full Council. It is unnecessary and just adds more redundancy to have the BWS in the middle of this process which more often utilizes the same witnesses.

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**RECOMMENDATION NO. 1**

The review of the DWS annual budget is just that, a quick review. The BWS is not active in the production of it, but only sees it after completion, and usually hours prior to it being submitted to the Mayor and/or Council.

Based on the above duties and procedures that are in place, I see little, if any, real need for an advisory BWS as is implemented in the current County Charter Section 8-11.3. Board of Water Supply.

The current BWS duties could very well be eliminated or reassigned elsewhere. Therefore, consideration to discontinue the current "advisory" type Board should be evaluated, or possibly only have the Board meet to only hear appeals and/or public testimony as needed.

**RECOMMENDATION NO. 2**

I highly recommend a semi-autonomous BWS be created in place of the current "advisory" type BWS.

A semi-autonomous Board would have the responsibility of being the citizen's ombudsman, looking out for the citizens from what could become an overly dictatorial burdensome bureaucracy in the DWS.

A semi-autonomous Board, as outlined below would be active during the budget process, not just at the end of the process by periodically reviewing plans and DWS commitments.

There should be quarterly BWS/DWS planning meetings to assure the Board and the Department were all on the same track.

I suggest that a similar Chapter 11, Department of Water Supply proposal, as adopted by the 2001-2002 Charter Commission be adopted, as shown below.

**CHAPTER 11  
DEPARTMENT OF WATER SUPPLY**

**Section \_\_\_\_ (1). Organization.**

There shall be a department of water supply consisting of a board of water supply, a director, a deputy director, and the necessary staff.

**Section \_\_\_\_ (2). Functions of the Department.**

1. All water systems owned and operated by the county, including all county water rights and water sources, together with all materials, supplies and equipment and all real and personal property used in connection with such water systems shall be under the control of the department.

2. The department shall have full and complete authority to manage, control and operate water systems and properties used in connection with such water systems. The department shall also have authority to coordinate private water systems in order to promote the policies stated in the Hawai'i State Constitution and other applicable state laws, while also protecting existing private property rights.

**CHAPTER 11 - DEPARTMENT OF WATER SUPPLY**

**Section \_\_\_\_\_(2). Functions of the Department.**

3. The department shall implement the county's General Plan, Water Use and Development Plans, and community plans in the administration of its affairs. The department shall insure that each water use and development plan for each community plan is current, and is consistent with land-use and zoning classifications, the county's general plan, and community plans. And shall include an inventory of existing water uses, sustainable yields, projected water demand, proposed public and private water system improvements and water source developments (along with alternative options), storage, and costs.

The department shall also prepare a long-range capital improvement plan for the department which will be designed to ensure proper maintenance of existing public water systems and to insure maintenance of all publicly-owned and publicly maintained water systems and infrastructures.

The water use and development plans for each community plan district and capital improvement plans shall be completed as required by law, and shall be subject to the approval of the county council, as provided by law, and shall be updated, as required by the board, at least every five (5) years.

4. The county council shall have the authority to issue general obligation bonds for the benefit of the department and may provide capital appropriations for the department.

**Section \_\_\_\_\_(3), Board of Water Supply.**

The board of water supply shall consist of nine voting members, seven of whom shall be appointed by the mayor with the approval of the County Council, one of whom shall be the director of the department of planning, and one of whom shall be the director of the department of public works. The appointed members shall serve for four (4) year terms, and can be reappointed once (subject to confirmation by the council).

**Section \_\_\_\_\_(4), Powers, Duties, and Functions.** The board of water supply shall:

1. Appoint, evaluate annually, and have the power to remove the director of the DWS.
2. Have the authority to create and abolish positions within the Department.
3. Adopt rules and regulations which shall have the force and effect of law relating to the management, control, operation, preservation and protection of the water works of the county, as well as the establishment and adjustment of rates and charges for furnishing water; (such rules and regulations shall be adopted as provided under Section \_\_\_\_\_(8) below:)
4. Adopt an annual operating and capital budget.

**Section \_\_\_\_\_(4), Powers, Duties, and Functions.** The board of water supply shall:

5. Have the authority to issue revenue bonds under the name of the board of water supply.
6. Have the authority to acquire by eminent domain, purchase, lease or otherwise, and to sell, lease, or otherwise convey real property in the name of the board of water supply.
7. Perform such other duties and functions as shall be prescribed by law.

**Section \_\_\_\_\_(5), Director of Water Supply.** The director of the department of water shall be appointed and evaluated by the board of water supply, and may be removed by the board of water supply. The director shall have a minimum of \_\_\_\_ years of experience in an administrative capacity, either in public service or private business, or both. The director or [his] the deputy director shall be a registered engineer.

## CHAPTER 11 - DEPARTMENT OF WATER SUPPLY

**Section \_\_\_\_\_(6), Powers, Duties, and Functions.** The director shall:

1. Recommend rules and regulations for adoption by the board.
2. Administer the affairs of the department, including the rules and regulations adopted by the board and be responsible for the day-to-day management and control of all water systems of the county.
3. Prepare and implement long-range capital improvement plans, which have been adopted by the board.
4. Appoint a Deputy Director with approval of the BWS.
5. Prepare an annual operating and capital budget for the board's review and action.
6. Coordinate the affairs of the department with the mayor and the county council and submit an annual report concerning the department (to the mayor and the council).
7. Perform such other duties and functions as shall be prescribed by law.

**Section \_\_\_\_\_(7), Revenues.** The revenues of the department shall be kept in a separate fund and shall be such as to make the department self-supporting.

**Section \_\_\_\_\_(8), Approval of Rules.** The adoption, amendment, and repeal of all rules adopted pursuant to Subsection \_\_\_\_\_(8) shall require action by both the mayor and the council.

The mayor shall either approve or disapprove and transmit the request to the council within fifteen (15) days of receipt. The request shall be deemed approved and transmitted to the council on the sixteenth day if the mayor takes no action.)

(Within forty-five (45) days of receipt from the mayor, the council may confirm the mayor's action by majority vote or may override any action by the mayor by a two-thirds (2/3) vote of its entire membership. If the council takes no action within forty-five (45) days, the proposal shall be deemed approved.)

**Section \_\_\_\_\_(9). Independent Audit and Council Oversight.** The accounts, financial status, and management operation of the department shall be examined and audited annually by a certified public accountant whose services shall be contracted for by the council and whose fees shall be paid by the council. After the audit is prepared, its results shall be made public, and the council shall review it and make recommendations for any changes that may be appropriate.

**Section \_\_\_\_\_(10). Legal Counsel.** The corporation counsel of the county shall be the primary legal adviser of the department, but the board of water supply shall be empowered, by a two-thirds vote of its entire membership, to hire special counsel for any special matter presenting a real necessity for such employment, without regard to the requirements of Section \_\_\_\_\_ of this charter.

**Section \_\_\_\_\_(10). Legal Counsel.**

All legal services required by the department and the board shall be paid from the revenues of the department.

The 2001 – 2002 Charter Commission adopted the above proposal after considering the following arguments on this issue:

**PROS:**

- This proposal is based somewhat on the model provided by the Board of Water Supply in the County of Honolulu, where the Board has greater autonomy and greater rate-setting authority.

Page 5.

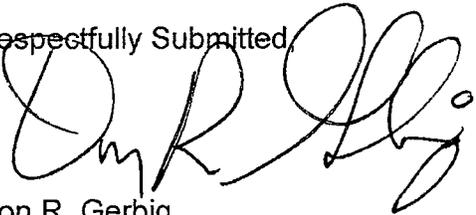
**CHAPTER 11 - DEPARTMENT OF WATER SUPPLY**

**PROS:**

Under this model, the Department and the Board would operate as an autonomous business, and would be expected to operate in a self-sufficient and self-sustaining fashion.

- Having a more autonomous water board would promote greater continuity and thus permit more long-term planning.
- Even though the Board of Water Supply will have more autonomy, the Planning Department will still review CIP projects to determine if they conform to the Community and General Plans.

Respectfully Submitted,



Don R. Gerbig  
6 Tulip Place  
Lahaina, HI 96761-8322  
June 28, 2011

182 Uakoko Place  
Haiku, Hawaii

July 4, 2011

Maui Charter Commission  
200 S. High Street  
Kalana O Maui Building  
Wailuku, Hawaii 96793

Dear Commission members,

I am currently a member of the Board of Water Supply but I am representing myself. I do not represent the Board nor am I authorized by the Board to submit this letter.

It is my opinion that the Water Dept. of Maui County should be viewed as a utility charged with the mission of collecting and delivering safe drinking water to its customers. These customers can be compared to those of Maui Electric who are receivers of electricity from the utility, but in this case, they receive water from the Dept. of Water.

Since 1949, the structure of the Maui County Dept. of Water has change numerous times from either being semi autonomous or a county department. In my view, this has not been good for the long term goal of supplying water to their customers. The Water Dept. needs to be stable by having long term management and not be subject to the ever changing goals of County Council and/or the Mayors office.

I strongly recommend that the Commission select one of the two options listed below in their effort to consistently improve water delivery to the residents and commercial customers in Maui County:

1. Make the Water Dept. semi autonomous based on either the recommendation of the 2001-2002 Charter Commission or a model based on the City and County of Honolulu.
2. Keep the present structure as adopted in 2001-2002 and do away with the present Board of Water Supply. What few tasks it has now can be shifted to the Director of the Board of Water Supply and/or the County Appeals Board.

I would be happy to answer any questions you might have and look forward to improving the delivery of water to the customers in Maui County.

Respectfully submitted,

John W. Hoxie, Jr.

071111-Req- Item No. II.E. page 1 of 1

<p><b>August 2011</b></p> <table border="1"> <thead> <tr><th>Su</th><th>Mo</th><th>Tu</th><th>We</th><th>Th</th><th>Fr</th><th>Sa</th></tr> </thead> <tbody> <tr><td></td><td>1</td><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td></tr> <tr><td>7</td><td>8</td><td>9</td><td>10</td><td>11</td><td>12</td><td>13</td></tr> <tr><td>14</td><td>15</td><td>16</td><td>17</td><td>18</td><td>19</td><td>20</td></tr> <tr><td>21</td><td>22</td><td>23</td><td>24</td><td>25</td><td>26</td><td>27</td></tr> <tr><td>28</td><td>29</td><td>30</td><td>31</td><td></td><td></td><td></td></tr> </tbody> </table>	Su	Mo	Tu	We	Th	Fr	Sa		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31				<p><b>September 2011</b></p> <table border="1"> <thead> <tr><th>Su</th><th>Mo</th><th>Tu</th><th>We</th><th>Th</th><th>Fr</th><th>Sa</th></tr> </thead> <tbody> <tr><td></td><td></td><td></td><td></td><td>1</td><td>2</td><td>3</td></tr> <tr><td>4</td><td>5</td><td>6</td><td>7</td><td>8</td><td>9</td><td>10</td></tr> <tr><td>11</td><td>12</td><td>13</td><td>14</td><td>15</td><td>16</td><td>17</td></tr> <tr><td>18</td><td>19</td><td>20</td><td>21</td><td>22</td><td>23</td><td>24</td></tr> <tr><td>25</td><td>26</td><td>27</td><td>28</td><td>29</td><td>30</td><td></td></tr> </tbody> </table>	Su	Mo	Tu	We	Th	Fr	Sa					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30		<p><b>October 2011</b></p> <table border="1"> <thead> <tr><th>Su</th><th>Mo</th><th>Tu</th><th>We</th><th>Th</th><th>Fr</th><th>Sa</th></tr> </thead> <tbody> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td>1</td></tr> <tr><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td><td>7</td><td>8</td></tr> <tr><td>9</td><td>10</td><td>11</td><td>12</td><td>13</td><td>14</td><td>15</td></tr> <tr><td>16</td><td>17</td><td>18</td><td>19</td><td>20</td><td>21</td><td>22</td></tr> <tr><td>23</td><td>24</td><td>25</td><td>26</td><td>27</td><td>28</td><td>29</td></tr> <tr><td>30</td><td>31</td><td></td><td></td><td></td><td></td><td></td></tr> </tbody> </table>	Su	Mo	Tu	We	Th	Fr	Sa							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31					
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8/1/11 - 11/30/11 twice a month (8 meetings) work on proposals  
 12/1/11 - 1/31/12 1 meeting per week (8 meetings), for regular and/or  
 2/1/12 - 4/9/12 9 weeks, upto 9 meetings second round of community meetings

- = Regular scheduled meetings
- = Additional proposed meetings
- = County Holidays

071111 - Reg. Item No. IV.D.