

Maui County Charter Review 2011
Proposals and Comments
By Tony Ramil
September 26, 2011

Good Afternoon, Mr. Chairman and Members of the Maui County Charter Review Commission.

My name is Tony Ramil, resident of South Maui for the past 35 years. When my family and I moved to South Maui, South Kihei Road, for practical and convenient driving, ended at Charlie Young's bridge; the only major developments in the area were Maui Lu, Hale Pau Hana and Mana Kai Condominium; Suda Store and Azeka Store served as small neighborhood stores, and Mokulele Highway was a narrow two-lane subsidiary road--yes, subsidiary road. Not many people wanted to buy property at Maui Meadows. It's all rocks, and it's far, people said. Piilani Highway would not be built until 10 or 15 years later.

1. "First Special Election"; "Second Special Election"--Misnomer

The first item I respectfully ask the Commission to consider is to change the terms "first special election" and "second special election", used to describe the election of Mayor and Council members. See Section 3-2 of the Charter. It's a "housekeeping" change. The elections we have been having for these honorable county officials are not "special"; they are "regular". "Special election", as I remember from my schools days, refers to election called and held to fill a vacancy in an elective office, arising from the death, resignation or perhaps recall of the incumbent. In place of "first special election" and "second special election", I suggest the use of the well-known terms "primary election" and "general election".

2. Retain two-year term of Council

The second item I respectfully like to bring before the Commission is to retain the two-year term for Council members. I am against increasing their terms to four years. More than logic, it has been said that the life of the law is experience. Only a couple of years ago, we had the unpleasant spectacle of two council members whose election into office was widely questioned, for legality and/or fairness. Many citizens wanted them out of the Council immediately following their election. At least with the current two-

year term for council members, the people did not have to wait four (4) years to have the opportunity to get them out of office.

3. ~~Maui~~ Establish Three (3) Council Districts with Three members Each District

I also propose that the Commission retain the number of Council members, and also the system of having them elected from nine (9) specified residency areas. However, I respectfully ask the Commission to establish three (3) Council Districts, with each district electing three (3) Council members. Instead of every voter in the County voting for nine (9) council members, each voter would only be voting for the three (3) council members for the three (3) seats in his/her District.

4. Revert to two-year term for Mayor

For the mayor's office, I propose that the Commission adopt a provision for a reversion to a two-year term. Again, the life of the law is experience. During the past three (3) elections for the office of mayor, the incumbent candidate has failed to win re-election. Interesting, only Maui County, among the counties in our State, has the distinction during the past (3) elections of not re-electing an incumbent. I have to say that the incumbents who failed to gain re-election were relatively capable executives. I like to think that their failure to get re-elected was due to the fact that they got out of touch with their constituency. Maybe they became arrogant or simply thought and acted like they knew best in disregard of the people's preferences and priorities. A two-year term for the mayor would require him or her not only to be on top of things but to connect with the people every two (2) years, instead of getting smug knowing that he or she does not have to face the people until another two (2) years.

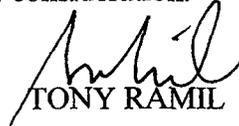
5. Status of Kahoolawe

Is Kaho'olawe still a part of Maui County? Pardon me, but I have failed to keep track of the status of Kaho'olawe. If Kaho'olawe is no longer within or under the jurisdiction of Maui County, Section 1-2 of the Charter, re "Geographical Limits" should be amended.

If Kahoolawe is still a part of Maui County, but under some form of special administration, it would be informative to have two or three sentences in the Charter on the island's status and governance. Also Kahoolawe should be designated as part of the

residency area for the South Maui Council seat, and the seat should be officially designated as the South Maui-Kahoolawe residency area.. For many years before World War II, when Harry Baldwin had a ranch on the island, Kahoolawe was closely linked with South Maui, with boats and sampans going to Kahoolawe from South Maui harbors.

Thank you for your kind attention and your consideration.



TONY RAMIL



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Tri-Isle Main Street Resource Center

A Non-Profit Organization

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Aloha Commissioners,

September 26, 2011

This Maui County Charter process is of interest to our organization and therefore often lively discussions ensue. We strictly adhere to a process to determine any positions taken by our organization. We make every effort to conduct public outreach and whereas not every person may agree with the overall position of the Board, we do operate by a clear consensus or we take no position at all.

Commissioners asked that I come back to the Tri-Isle Main Street Board and our other Small Town Affiliates to ask the following:

If there was and an alternative member appointed to the Water Board, would that make a difference in your position regarding an autonomous Water Board?

Response: Our position remains the same, to support an appointed Water Board and hold the Mayor accountable for selecting persons with knowledge, expertise, and experience in this area. We are concerned about an elected system that allows for special interest to control an autonomous board. That the appointment of the Water Director also be made by the Mayor to appoint someone with integrity and who will work with the Mayor and Council so that the focus is on spending money in improving the water system and seeking additional water sources. They should work in concert to fully understand the importance of setting appropriate and affordable water rates. The Water Board should have staggered terms and vacancies should be filled by the Mayor.

Another request relating to the Council Approval of the Finance Director. Commissioner Flo Wiger asked if we discussed that the Finance Director is the 3rd in line of succession to the Mayor? I said it was a good question and promptly took it back for further review and discussion.

Response: This request generated a good deal of discussion. We fully recognize the need for checks and balances. We understand that the positions of the Planning Director and the Finance Director do wield a lot of power and their opinions and actions will have a significant impact on issues facing our communities and government. Some felt to have the Council controlling who is put forth can create a compromised position. Whereas it is clear that Council input into the process is helpful to avoid appointment delays and/or gridlock; it was also strongly felt that the Mayor should not be at odds with his directors. He appoints his team and we expect him/her to hold them accountable. The Mayor was elected because of the result of a clear democracy and we trust him to choose qualified nominees for appointment.

Finally, we once again put forth and reiterate our position that retains our communities' right to continue to vote for all 9 Council members. Not only do we believe that it provides fair opportunities for all positions to be heard, it obligates all Council members to be accountable to the entire citizenry especially in determining inter-regional issues.

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Why should we support losing the opportunity to express our independent voices that carry the power and equality of 9 representatives? That allows a broader discussion and understanding of the issues that may not be in sync with the person who was elected from your district. In some cases, entire districts have grown and changed with new sets of values and visions. This leaves those who have lived in these areas for generations with a much smaller and at times an intimidated voice and insufficient options to seek out someone whom they are comfortable sharing their concerns.

When these small towns try to get a project to benefit their community, it is important that all 9 members are aware and responsible to each and every citizen for a fair division of resources and opportunities for a broader field of judgment on home rule issues. What about when issues such as placing a wind farm on these island locations, or utilizing the fact that these islands may have a greater percentage of economically depressed areas or unemployment statistics that are used to attract County-wide grants-in-aid that is intended to greatly benefit the broader Maui County community....

Surely, our ohana on these islands as diverse as Hana, Lana'i and Molokai have a right to a participatory voice at the table where decisions are made that will affect their livelihood, their cultural traditions and quality of life.

It is a home rule issue that respectfully recognizes everyone no matter how big or small.

Placing everything under a District Voting label does not necessarily mean progress.

As stated previously, the residents and businesses in these towns pay the same taxes, fees and contribute to our County's Planning process. They must take extraordinary measures to travel to be assured of attaining full service and access. Requiring them to bear a greater burden not only seems unfair, it is unfair.

Maui County is the only county in the state with islands separated by water and each of them is distinctly different from the other and from Maui. We have repeatedly been made aware of their isolation and the few and far between County Services that everyday Mauians take for granted. To combine Lana'i with Lahaina is more than a cultural shock; they will be a tiny fish in a bowl of big fish. How would we like to have Hawaii linked to California for representation?

We thank the Commissioners for their service and the opportunity for us to participate in this process.

Sincerely,
WMSA/Tri-Isle Main Street Resource Center



Jocelyn A. Ferreira, Executive Director
Tri-Isle Main Street Program Coordinator

September 24, 2011

Joshua A. Stone, Chair
Maui County Charter Commission
Department of the Corporation Counsel
Wailuku, HI 96793

Dear Chair Stone and Members of the Committee:

**SUBJECT: WRITTEN TESTIMONY FOR CHARTER COMMISSION MEETING,
SEPTEMBER 26, 2011, REGARDING MATRIX PROPSAL 8
SUBSTANTIVE CHANGES**

The purpose of this testimony is to comment on the matrix proposals, specific to Article 8 Chapter 7 of the County of Maui Charter, as prepared by Sherry P. Broder and Jon M. Van Dyke and dated September 2, 2011. My comments are in conjunction with, and, in consideration of my report submitted previously to the Charter Commission, REFORM OF ARTICLE 8, CHAPTER 7, OF THE COUNTY OF MAUI CHARTER: ANALYSIS REPORT.

May I please request that the Charter Commission consider the following:

1. Matrix proposal #8.7.1. The language contained in this proposal was not submitted by me through testimony or in my report. I do not support any charter language to "Abolish" the department. The fire chief, as enumerated under Article 6 and 7 of the Maui County Charter, does report to the mayor. In other words the mayor is currently the fire chief's boss. This is consistent with other counties across the State of Hawaii whose fire chief is appointed and removed by a commission. As discussed prior, corporation counsel should provide an opinion to the Charter Commission on this matter if necessary. I choose to defer comments on the matter concerning the appointment and removal of the fire chief until my comments provided for matrix proposal #8.7.2. Any proposal to change the minimum qualifications of the fire chief and other high ranking fire officials regarding education, must consider the factors

associated with obtaining such education and desired educational area or focus. Furthermore, the fairness and disparity of leveraging such an educational requirement, currently, based on the existing educational achievements and requirements of all members of the department must also be considered. To ensure fairness and allow opportunity for department personnel to earn specific college degrees, the effective date of education requirements should be set to a reasonable future date. The Hawaii Board of Education did such a thing with regards to instituting the "Recognition" high school diploma. Essentially, high school students were given an adequate amount of time to meet the new and more rigorous requirements. If this matrix proposal moves forward, consideration of an implementation effective date would make it more responsible and reasonable.

2. Matrix Proposal #8-7.2. To address this proposal, it must first be understood that the fire chief, management, supervises a department labor force that is one-hundred percent union. As stated previously, the original intent of labor proposing the expanded powers of the fire and public safety commission in 2001 to appoint and remove the fire chief, and not the mayor, was to keep a good chief or remove an ineffective one. This was intended to be accomplished in a fair and impartial manner versus one that was politically motivated. Nevertheless, the #8-7.2 proposal does have merit. While it does lean towards a political appointment, it does not represent a completely political appointment. The commission has an important role in this hybrid proposal. This proposal would address the issue of the mayor ensuring that he or she has a department head who is committed and productive in response to mayoral directive. There are also some checks and balances with this proposal in the commission recommendation to appoint and majority vote to support removal. To address the labor issues that surround this matter, and to make this proposal more attractive, language that ensures fair representation of labor concerns with regards to the fire and public safety commission is recommended to be added. The recommended language for this proposal, considering the current nine commissioners, is as follows: Four out of the nine members of the fire and public safety commission shall be nominated to the mayor by the labor union-Hawaii Fire Fighters Association. The Hawaii Fire Fighters Association shall submit names of nominees for up to four out of the nine fire and public safety commissioners that shall

be appointed by the mayor and confirmed by the council in the manner prescribed in Section 13-2. For example, this method of partially balanced board and commission representation is currently performed by the State of Hawaii for the Employee Union Trust Fund and the Labor Relations Board. To elaborate on this proposal recommendation, I recommend, that the Charter Commission request testimony from the Hawaii Fire Fighters Association President, Robert Lee.

3. Matrix Proposal #8-7.3. I support this proposal to change the name of the department for the reasons stated. I do not support the suggested new name provided in this proposal, "Fire Protection and Prevention and Rescue." I understand that these terms were used in my proposal language concerning the statement of policy. However, the new name I would personally recommend is, "Fire Department." The term "Fire Department" suffices as the primary name used across the country, and more importantly the State of Hawaii, to reflect any and all of the current and potential future powers, duties, functions, and services that a public fire service organization would be responsible to perform. Furthermore, "Fire Department" is a name or term most commonly associated with the respected identity of firefighters. Our firefighters would not protest being called the County of Maui or Maui County Fire Department. Maui County Fire Department is a name already on our existing patches, fire apparatus decals, and other insignias. Consider these existing names: Kauai Fire Department, Honolulu Fire Department, and Hawaii Fire Department. However, we must not forget that in section 8-7.2.3 of the County of Maui Charter, that the commission also reviews the operations of the civil defense agency. If the organization is renamed "Fire Department" nothing precludes section 8-7.1 from stating the following: Organization. There shall be a "Fire Department" consisting of a "fire commission", a fire chief, and the necessary staff. The duty of the commission to review the operations of the civil defense agency is simply an enumerated power, duty, and function. The civil defense agency is totally separate from the fire department. However, as a matter of efficiency the two departments share a commission. There is nothing wrong with this as it is efficient. Also, it must be considered that the lion share of the commissions' responsibilities pertain to the fire department and not the civil defense agency. Thus, the name is recommended to be "Fire Commission."

4. Matrix Proposal #8-7.5. The existing charter language referred to in section 8-7.2 is not being “deleted.” The language is being moved to a different section which is referred to in my report. I support the language listed in this sections minus a few typos that can be addressed at a later time. However, I am confused at the reason for “The goal of the county...” to be stated twice. The “...services which shall be based on qualified and professional leadership and personnel.” is repeated again in the second paragraph, “The goal of the county...”

5. Matrix Proposal #8-7.6. This proposal appears to be ok in substance. However, the wording is a little different then that which was presented in my report.

6. Matrix Proposal #8-7.7. This proposal appears to be ok in substance. However, the wording and lack of numbers is a little different then that which was presented in my report. In the section, third paragraph, dealing with charges the term “officers” is used. The term “officers” in this context is not recommended and was not included in my report. The current charter language uses the term “members.” Wording in other parts of this particular proposal is significantly different form the language used in my report recommendations. Some of the language used in this proposal, paragraph five through seven, may cause differences in interpretation and actual meaning from that which was intended from my report recommendations.

7. Matrix Proposal #8-7.8. This proposal appears to be ok in substance.

8. Matrix Proposal #8-7.9. This proposal appears to be ok in substance.

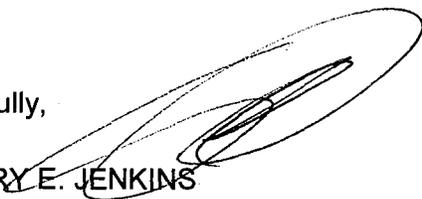
9. Matrix Proposal #8-7.10. The language contained in this proposal was not submitted by me through testimony or in my report. It also does not propose any issue of concern regarding my report.

10. Matrix Proposal #8-7.11. The language contained in this proposal was not submitted by me through testimony or in my report. It also does not propose any issue of concern regarding my report. However, I do not support this proposal. Besides the mayor's proposal and testimony on this matter, it has not been specifically explained in detail exactly how these volunteers or reserves will be utilized. Their use is general, vague, and deemed as a cost saving item per the mayor's document and testimony. I would caution the Charter Commission and request consideration of the following questions and concerns before moving this proposal forward. The following questions are specific to typical considerations surrounding the use of both volunteer or reserve firefighters: Why is this being proposed? Is lack of funding for the Fire Department an issue that requires this proposal? Is there a quality of service issue driving this proposal? What research has been done to determine the feasibility of success of this proposal for Maui County's suburban and not totally rural community? Has the Charter Commission and community been given an opportunity to understand the quality of service levels and risks that are affected by the use of volunteers or reserves in conjunction with a career fire service organization? Has the community had a fair opportunity to make a choice to accept a reduced level of service offered to them with the use of volunteers; from a high level to a lower level of service? Does the county and the community understand that career firefighters are held accountable to respond and act at emergencies, where volunteers are not? Has the county performed a cost benefit analysis to determine the increase in cost that volunteers or reserves will pose taxpayers as it pertains to risk and program management? Does the county realize that career fire personnel can not integrate emergency responses with volunteers for health and safety reasons? Has the county researched the Hawaii Revised Statutes regarding the use of volunteer firefighters as it would pertain to our county? Who will be responsible to train volunteer firefighters? Would the county propose to pay the volunteer or reserve firefighters for their work? To elaborate on this proposal recommendation, I recommend, that the Charter Commission request testimony from the Hawaii Fire Fighters Association President, Robert Lee.

11. Matrix Proposal #8-7.12. The language contained in this proposal was not submitted by me through testimony or in my report. I do not support this proposal. I believe that to eliminate the fire and public safety commission would have a negative result to the quality of service of the organization as well as the organization's accountability to the public. Aside from and regardless of appointing and removing the fire chief, the commission performs a critical role when it objectively exercises its review and recommendation powers for the betterment of the department and on any matter within its scope that is in the interest of public safety.

Should you have any questions please contact me at 271-8722. I look forward to attending and answering any questions regarding this matter at the Charter Commission meeting scheduled for September 26, 2011.

Respectfully,


GREGORY E. JENKINS

Firefighter and Molokai Resident

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