

**PUBLIC WORKS COMMISSION  
ACTION MINUTES  
March 24, 2021**

**A. CALL TO ORDER**

The regular meeting of the Public Works Commission was called to order by Chairperson Michael Silva at approximately 1:33 p.m., Wednesday, March 24, 2021, via a BlueJeans online video conference, Meeting ID 272 107 536.

A quorum of the Commission was present. (See Record of Attendance.)

A representative of the Department of the Corporation Counsel was not present.

**B. ACCEPTANCE OF MEETING MINUTES**

The Commission unanimously approved the acceptance of the December 16, 2020 meeting minutes.

**C. PUBLIC TESTIMONY**

No testimony was received.

**D. NEW BUSINESS**

1. Recognition of outgoing Commission members Brooks Aoki, Harry Hecht, Uvette Sakamoto, and Flordeline Vila.
2. Street Naming Application for new public streets for the Department of Hawaiian Homeland's Puunani Homestead Subdivision, TMK: (2) 3-5-002:002.

A motion was made by Commissioner Kawa'a and seconded by Commissioner Hecht to recommend approval of the street names as proposed in the application without modifications. The Commission voted 6-0 to approve the motion.

3. Correspondence from the Director of Public Works to Councilmember Michael J. Molina dated March 9, 2021 and October 30, 2020, pertaining to a STOP sign on Haiku Road.

The Department noted that this matter was reviewed at the Commission's meeting of October 28, 2020 and the Commission recommended that:

1. That the proposed bill be approved if placement of the stop and configuration of the intersection will provide adequate sight distance; or
2. That the proposed bill be opposed if the stop sign cannot be placed to provide adequate sight distance and that other traffic control devices appropriate for controlling speeding, including speed tables, be considered to address the safety concerns of the community.

The Department informed the Commission that it conducted a site inspection in February 2021 to evaluate the sight distance at the requested STOP sign on Haiku Road. Sight distance was determined to be unaffected by existing minor obstructions adjacent to Haiku Road and when no vehicles are parked in the shoulder area adjacent to the STOP sign. Additionally, it was observed that westbound vehicles experienced little difficulty making the left turn from Haiku Road onto Kokomo Road.

Based on the site inspection findings, the Department will install No Parking signs along the shoulder areas to prevent parking in the future and ensure sight distance is maintained. The Department stated that the site inspection findings support its previous position that a new STOP sign for southbound traffic on Haiku Road is not warranted and restated its opposition to using a STOP sign as a speed control device.

The Commission noted that the Police Department also stated at the October 28, 2020 meeting that the STOP sign is not needed based on their evaluation of the intersection.

The Commission asked whether there are any issues with the existing crosswalks and if additional signage is warranted. The Department stated that the existing crosswalk and stop bars need maintenance and that restriping would be performed.

A motion was made by Commissioner Blanchard and seconded by Commissioner Aoki to support the current recommendations of the Department as stated in its letter dated March 9, 2021, which includes installing No Parking signage, restriping the existing crosswalk and stop bar, and using speed tables if vehicle speeds are a concern, and to oppose the installation of a new STOP sign in consideration of these recommendations.

The Commission voted 6-0 to approve the motion

**E. NEXT REGULAR MEETING DATE: Wednesday, April 28, 2021**

**F. ADJOURNMENT**

The meeting was adjourned at 2:04 p.m.

Submitted by,



cn=Jordan Molina, Deputy Director,  
o=County of Maui, ou=Department of Public  
Works, email=jordan.k.molina@co.maui.hi.us,  
c=US  
2021.04.21 17:18:40 -10'00'

Jordan Molina  
Deputy Director of Public Works

Date

**RECORD OF ATTENDANCE****Present**

Brooks Aoki  
John Blanchard (alternate)  
Harry Hecht  
Luana Kawa'a  
Stacy Otomo (alternate)  
Michael Silva

**Excused**

Flordeline Vila

**Absent**

Colette Augustiro  
Robert Johnson  
Uvette Sakamoto  
Ben Wilson

**Others**

Rowena Dagdag-Andaya, Director of Public Works  
Jordan Molina, Deputy Director of Public Works  
Kurt Watanabe, Department of Public Works Engineering Division  
Susan Watanabe, Office of the Mayor

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CORPORATION COUNSEL

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DEPARTMENT OF PUBLIC WORKS

COUNTY OF MAUI

Adoption of Chapter 15-113  
Rules of Practice and Procedure for the  
Public Works Commission

SUMMARY

Chapter 15-113, entitled "Rules of Practice and Procedure for the Public Works Commission", is adopted to read as follows:

"TITLE MC-15  
DEPARTMENT OF PUBLIC WORKS  
SUBTITLE 01  
PUBLIC WORKS COMMISSION  
CHAPTER 113

RULES OF PRACTICE AND PROCEDURE FOR THE  
PUBLIC WORKS COMMISSION

Subchapter 1 General Provisions

§15-113-1	Title
§15-113-2	Purpose
§15-113-3	Construction
§15-113-4	Definitions

Subchapter 2 Organization and Parliamentary Rules

§15-113-5	Office
§15-113-6	Communications
§15-113-7	Membership
§15-113-8	Meetings
§15-113-9	Quorum
§15-113-10	Agenda
§15-113-11	Minutes
§15-113-12	Public works commission records
§15-113-13	Computation of time
§15-113-14	Retention of documents by the public works commission
§15-113-15	Officers and their duties
§15-113-16	Voting
§15-113-17	Disclosure of conflict
§15-113-18	Motions
§15-113-19	Question of order
§15-113-20	Attendance

Subchapter 3 Rule Making Procedures and  
Declaratory Rulings

- §15-113-21 Public works commission rules
- §15-113-22 Petition and procedures for adoption,  
amendment, or repeal of rules by the  
public works commission
- §15-113-23 Petition for adoption, amendment, or  
repeal of rules by interested persons

SUBCHAPTER 1

GENERAL PROVISIONS

§15-113-1 Title. The rules in this chapter shall be known as the "Rules of Practice and Procedure for the Public Works Commission" of the County of Maui. [Eff 4/4/15] (Auth: §2.98.010.D, MCC) (Imp: §2.98.010.D, MCC; §91-2, HRS)

§15-113-2 Purpose. These rules govern practice before, and procedures of, the public works commission. [Eff 4/4/15] (Auth: §2.98.010.D, MCC) (Imp: §2.98.010.D, MCC; §91-2, HRS)

§15-113-3 Construction. (a) These rules shall be construed to secure the just and efficient determination of proceedings before the public works commission. These rules should be read in conjunction with the Hawaii Revised Statutes, the revised charter of the County of Maui (1983), as amended, and the Maui County code. If there is a conflict between state law, the revised charter of the County of Maui (1983), as amended, or the Maui County code and the provisions herein, state law, the revised charter of the County of Maui, or the Maui County code shall govern.

(b) If there are conflicts between the general provisions herein and specific rules of any other subchapters, the specific rules shall govern. [Eff 4/4/15] (Auth: §2.98.010.D, MCC) (Imp: §2.98.010.D, MCC; §91-2, HRS)

§15-113-4 Definitions. The following definitions shall apply for all matters before the public works commission:

"Agency" means any agency, board, commission, committee, department or officer of the County or State government, including the public works commission.

"County" means the County of Maui.

"Department" means the department of public works of the County.

"Director" means the director of public works of the County or the director's authorized representative.

"Government record" means information maintained by an agency in written, auditory, visual, electronic, or other physical form, or as otherwise defined in chapter 92F, Hawaii Revised Statutes, as amended.

"Meetings" means the convening of the public works commission for which a quorum is required in order to make a decision or to deliberate toward a decision upon a matter over which the public works commission has supervision, control, jurisdiction, or advisory power.

"Person" means any agency, individual, partnership, firm, association, community group, trust, estate, private corporation, or other legal entity, whether or not incorporated, including governmental departments or agencies.

"Proceeding" means any matter brought before the commission over which the public works commission has jurisdiction. [Eff 4/4/15] (Auth: §2.98.010.D, MCC) (Imp: §2.98.010.D, MCC; §91-2, HRS)



## SUBCHAPTER 2

### ORGANIZATION AND PARLIAMENTARY RULES

§15-113-5 Office. The office of the public works commission is at 200 South High Street, Wailuku, Maui, Hawaii 96793. [Eff 4/4/15] (Auth: §2.98.010.D, MCC) (Imp: §2.98.010.D, MCC; §91-2, HRS)

§15-113-6 Communications. Unless otherwise specifically directed, all communications to the public works commission shall be directed to the department, at the Kalana O Maui Building, 200 South High Street, Wailuku, Maui, Hawaii 96793. [Eff 4/4/15] (Auth: §2.98.010.D, MCC) (Imp: §2.98.010.D, MCC; §91-2, HRS)

§15-113-7 Membership. The public works commission consists of nine members, and two alternates appointed by the mayor, with the approval of council. The members shall consist of three registered, State of Hawaii licensed engineers, one member who is knowledgeable in the Hawaiian language, one member who is a resident of Lanai, and one member who is a resident of Molokai. One alternate shall be a registered, State of Hawaii licensed engineer. Each public works commission member serves from the time the member is appointed until his or her term expires. [Eff 4/4/15] (Auth: §§2.80B.050, 2.98.010.A, MCC) (Imp: §2.98.010.D, MCC; §91-2, HRS)

§15-113-8 Meetings. (a) The public works commission may meet and exercise its powers anywhere within its jurisdiction. Unless otherwise provided by law, all meetings shall be open to the public.

(b) The public works commission shall base the parliamentary procedures for conducting its meetings on the revised edition of Robert's Rules of Order. If there is a conflict between the provisions herein and the revised edition of Robert's Rules of Order, the provisions herein shall apply.

(c) General meetings shall be scheduled as needed to efficiently conduct public works commission business.

(d) The public works commission shall allow all interested persons an opportunity to submit data, views, arguments, or present oral testimony on any agenda item in an open meeting. The public works commission may provide for the recordation of all oral testimony. A reasonable time limit may be imposed on oral testimony.

(e) The public works commission shall comply with chapter 92, Hawaii Revised Statutes, as amended.

(f) Special meetings may be called by the chairperson, the director, or a majority of the public works commission members at any time and place as scheduled.

(g) Emergency meetings and executive meetings may be held pursuant to chapter 92, Hawaii Revised Statutes, as amended.

(h) Public hearings may be held after thirty days notice, published in a newspaper of County circulation.

(i) Executive meetings closed to the public may be held by the public works commission upon affirmative vote, taken at an open meeting of two-thirds of the members present; provided the affirmative vote constitutes the majority to which the public works commission is entitled. The meeting, closed to the public, shall be limited to matters specifically allowed by law, and the reason for holding such a meeting shall be publicly announced and the vote of each member on the question of holding the meeting closed to the public shall be recorded and entered into the minutes of the meeting. [Eff 4/4/15] (Auth: §2.98.010.D, MCC) (Imp: §2.98.010.D, MCC; §§91-2, 92-4, 92-5, HRS)

§15-113-9 Quorum. A majority of all members to which the public works commission is entitled shall constitute a quorum to transact business, and the concurrence of a majority of all members to which the public works commission is entitled shall be necessary to take any action. [Eff 4/4/15] (Auth: §2.98.010.D, MCC) (Imp: §2.98.010.D, MCC; §§91-2, 92-15, HRS)

§15-113-10 Agenda. The public works commission shall file an agenda with the county clerk at least six calendar days before the meeting. Nothing on the agenda shall be changed without a two-thirds recorded vote of all members to which the public works commission is entitled. An item of major importance that may affect a significant number of persons shall not be added to an agenda. [Eff 4/4/15] (Auth: §2.98.010.D, MCC) (Imp: §2.98.010.D, MCC; §91-2, HRS)

§15-113-11 Minutes. (a) The public works commission shall keep written minutes and may provide for the audio recording or transcription of meetings. The minutes shall give a true reflection of the matters discussed at the meeting and the views of the members. These minutes shall include, but need not be limited to:

- (1) The date, time, and place of the meeting;
- (2) The members of the public works commission recorded as either present or absent;
- (3) The substance of all matters proposed, discussed, or decided;
- (4) A record, by individual member, of any votes taken; and
- (5) Any other information that any member of the public works commission requests be included or reflected in the minutes.

(b) The written minutes shall be public records and shall be available within thirty days after the meeting except where such disclosure would be inconsistent with section 92-5, Hawaii Revised Statutes, as amended; provided, that minutes of executive meetings may be withheld so long as their publication would defeat the lawful purpose of the executive meeting. Any person may obtain a copy of a transcript of an audio recording provided that the person pays the costs incurred in the preparation of the transcript. [Eff 4/4/15] (Auth: §2.98.010.D, MCC) (Imp: §2.98.010.D, MCC; §91-2, HRS)

§15-113-12 Public works commission records. Records that are government records shall be disclosed according to chapter 92F, Hawaii Revised Statutes.

[Eff 4/4/15] (Auth: §2.98.010.D, MCC) (Imp: §2.98.010.D, MCC; §§91-2, 92-9, HRS)

§15-113-13 Computation of time. In computing any period of time under the rules herein, by notice, or by any order or rule of the public works commission, the time begins with the day following the act, event, or default, and includes the last day of the period unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or holiday. [Eff 4/4/15] (Auth: §2.98.010.D, MCC) (Imp: §2.98.010.D, MCC; §91-2, HRS)

§15-113-14 Retention of documents by the public works commission. All documents filed with, or presented to, the public works commission shall be retained in the files of the public works commission. However, the chairperson of the public works commission may permit the withdrawal of original documents upon submission of properly authenticated copies. [Eff 4/4/15] (Auth: §2.98.010.D, MCC; §91-2, HRS) (Imp: §2.98.010.D, MCC; §91-2, HRS)

§15-113-15 Officers and their duties. (a) The public works commission shall elect annually a chairperson and vice-chairperson from its members. Their terms shall be for one year and may continue until their successors are duly elected. In the absence of the chairperson and vice-chairperson, the public works commission shall elect a chairperson pro tempore, who shall preside at the meeting. The chairperson shall be the presiding officer of the public works commission, and the vice-chairperson shall act as the presiding officer in the absence of the chairperson.

- (b) The presiding officer shall:
- (1) Open all meetings of the public works commission at the appointed hour by taking the chair and calling the meeting to order;
  - (2) Maintain order and proper decorum;
  - (3) Announce the business before the public works commission;

- (4) Review all matters properly brought before the public works commission, call for votes upon the same, and announce the results;
- (5) Authenticate by signature all acts of the public works commission as may be required by law, unless delegated to the director;
- (6) Do and perform such other duties as may be required by law, or such as may properly pertain to such office;
- (7) Make known all rules of order when so requested, and decide all questions of order subject to an appeal to the public works commission. [Eff 4/4/15] (Auth: §2.98.010.D, MCC; §91-2, HRS) (Imp: §2.98.010.D, MCC; §§91-2, 92-3, HRS)

§15-113-16 Voting. (a) Except as otherwise provided by law, all matters shall be determined by an affirmative vote of a majority of the membership to which the public works commission is entitled.

(b) Whenever the public works commission is ready to vote on any question the chairperson shall state the question, put the question to a vote, and announce the results to the public works commission.

(c) Unless a present member is disqualified from voting pursuant to section 15-113-17 herein, the member's silence or refusal to vote shall be recorded as an affirmative vote. [Eff 4/4/15] (Auth: §2.98.010.D, MCC; §91-2, HRS) (Imp: §2.98.010.D, MCC; §§91-2, 92-15, HRS)

§15-113-17 Disclosure of conflict. Whenever a member has a conflict of interest, the member shall promptly make a full disclosure of the circumstances to the public works commission and refrain from voting. [Eff 4/4/15] (Auth: §2.98.010.D, MCC; §91-2, HRS) (Imp: §2.98.010.D, MCC; §91-2, HRS)

§15-113-18 Motions. (a) Motions and amendments by public works commission members may be oral, but shall be reduced to writing if requested by the chairperson.

(b) No motion shall be received and considered by the public works commission until the same has been seconded.

(c) After a motion is stated or read by the chairperson, it shall be deemed in the possession of, and shall be disposed of by vote of, the public works commission. [Eff 4/4/15] (Auth: §2.98.010.D, MCC; §91-2) (Imp: §2.98.010.D, MCC; §91-2, HRS)

§15-113-19 Question of order. A question of order may be raised at any stage of the proceedings, except during a calling of the roll when the ayes and noes are called for. The question shall be decided by the chairperson, without debate, subject to an appeal to the public works commission. [Eff 4/4/15] (Auth: §2.98.010.D, MCC; §91-2, HRS) (Imp: §2.98.010.D, MCC; §91-2, HRS)

§15-113-20 Attendance. No member shall be absent from the service of the public works commission, unless the member is sick or otherwise unable to attend. If a member will be absent, the member shall inform the chairperson or the public works commission's secretary before the meeting. [Eff 4/4/15] (Auth: §2.98.010.D, MCC; §91-2, HRS) (Imp: §2.98.010.D, MCC; §91-2, HRS)

### SUBCHAPTER 3

#### RULE MAKING PROCEDURES AND DECLARATORY RULINGS

§15-113-21 Public works commission rules. All rules of the public works commission shall be adopted by the public works commission and approved by the mayor in accordance with Hawaii Revised Statutes; provided, that such procedure shall not apply to regulations concerning only the internal management of the department or the public works commission not affecting the private rights of, or procedures available to, the public, to declaratory rulings, or to intra-agency memoranda. [Eff 4/4/15] (Auth: §2.98.010.D, MCC) (Imp: §2.98.010.D, MCC; §§91-1(4), 91-2, HRS)

§15-113-22 Petition and procedures for adoption, amendment, or repeal of rules by the public works commission.

(a) The public works commission may adopt, amend, or repeal any of its rules by following the procedures outlined herein, except that the public works commission need not formally file a petition and need only submit a draft of the proposed changes.

(b) Public hearing; notice. When the public works commission proposes to adopt, amend, or repeal a rule, it shall schedule a public hearing by giving thirty days notice. Notice shall include a statement of the substance of the proposed rule, and the date, time, and place of the public hearing where interested persons may be heard. Notice shall be published at least once, pursuant to section 1-28.5, Hawaii Revised Statutes, and shall be mailed to all persons who have made a timely, written request of the public works commission for advanced notice of its rulemaking proceedings.

(c) Scope. All interested persons shall be given the opportunity to submit data, views, or written or oral argument. The public works commission shall incorporate in the record and consider all written or oral submissions regarding the proposed rule.

(d) Decision. The public works commission may make its decision at the public hearing or announce then the date it intends to make its decision.

(e) Mayoral approval. The adoption, amendment, or repeal of any rule shall be subject to mayoral approval.

(f) Emergency rules. If the public works commission finds an imminent peril to public health or safety which requires adoption, amendment, or repeal of a rule upon less than thirty days notice of hearing, and states its reasons in writing, it may proceed without prior notice or hearing or upon such abbreviated notice and hearing as practicable.

(g) Filing; effect. Upon mayoral approval, certified copies of all rules shall be filed in the office of the county clerk and shall become effective ten days thereafter.

(h) Emergency rules; effect; notice. Emergency rules shall be effective upon filing, but for not longer than one hundred twenty days without renewal. The public works commission shall publish a copy of the emergency rule at least once pursuant to section 1-28.5, Hawaii Revised Statutes, within five days of filing of the rule. [Eff 4/4/15] (Auth: §2.98.010.D, MCC; §91-2, HRS) (Imp: §§1-28.5, 91-3, 91-4, 91-6, HRS)

§15-113-23 Petition for adoption, amendment, or repeal of rules by interested persons. (a) Any interested person may petition the public works commission requesting the adoption, amendment, or repeal of any rule of the rules of the public works commission.

(b) The petition shall be submitted in thirteen copies and shall include:

- (1) A statement of the nature of the petitioner's interest;
- (2) A draft or the substance of the proposed rule or amendment or a designation of the provision sought to be repealed; and
- (3) An explicit statement of the reasons in support of the proposed rule, amendment, or repeal.

(c) The public works commission shall within thirty days after the submission of the



petition either deny the petition in writing, stating its reasons for such denial, or initiate proceedings in accordance with section 15-113-22, for the adoption, amendment, or repeal of the rule as the case may be." [Eff 4/4/15] (Auth: HRS §91-6) (Imp: HRS §2.98.010.D, MCC)

2. Chapter 15-113, Rules of Practice and Procedure for the Public Works Commission, shall take effect ten days after filing with the Office of the County Clerk.

ADOPTED THIS 12th day of March, 2015.

PUBLIC WORKS COMMISSION



Chairperson



Alan M. Arakawa  
Mayor, County of Maui


Approved this 23rd day of  
March, 2015.

APPROVED AS TO FORM  
AND LEGALITY:



MICHAEL J. HOPPER  
Deputy Corporation Counsel  
County of Maui

Received this 30th day of  
March, 2015.



DENNIS A. MATEO  
County Clerk, County of Maui

CERTIFICATION

I, DAVID C. GOODE, Public Works Director, County of Maui, do hereby certify:

1. That the foregoing is a full, true and correct copy of the rules drafted in Ramseyer format, pursuant to the requirements of Section 91-4.1, Hawaii Revised Statutes, which were adopted on the 12th day of March, 2015, following a public hearing that closed on the 12th day of March, 2015, and which were filed with the Office of the County Clerk.

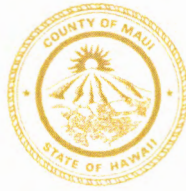
2. That the notice of public hearing on the foregoing Rules, which notice included the substance of such Rules, was published in The Maui News on February 10, 2015.



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DAVID C. GOODE  
Director of Public Works

LANCE COLLINS, CHAIR  
GRANT CHUN, VICE CHAIR  
KELSON KAUANOE BATANGAN  
DOREEN CANTO  
DAVID DELEON  
PAUL DESLAURIERS  
KAREY KAPOI  
KEONI KUOHA  
DOUGLAS MARDFIN  
ASHLEY OLSON  
GEORGE PURDY IV



CHARTER COMMISSION  
COUNTY OF MAUI  
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March 22, 2021

**MEMORANDUM**

MEMO TO: MAUI COUNTY BOARDS, COMMISSIONS, AND COMMITTEES

FROM: Maui County Charter Commission *KW*

SUBJECT: Request for Submittal of Proposed Charter Amendments and/or Recommendations

The Maui County Charter Commission is tasked with the study and review of the operation of the government of the county under such amendments or new charter and to propose amendments to or draft a new charter.

This memorandum is to provide you with the opportunity to submit proposed Charter amendments and/or recommendations you or your board, commission, or committee members may have. Submissions should be addressed as follows:

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

The Commission respectfully requests that all submissions be received by the Commission by May 28, 2021.

Thank you for your attention to this very important matter.

ALL BOARDS, COMMISSIONS AND COMMITTEES

March 22, 2021

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**DISTRIBUTION LIST:**

Affirmative Action Advisory Council  
Animal Control Board  
Arborist Advisory Committee  
Board of Ethics  
Board of Variances and Appeals  
Board of Water Supply  
Children and Youth Commission  
Civil Service Commission  
Conservation Planning Committee  
Cost of Government Commission  
Council on Aging  
Cultural Resources Commission  
Fire and Public Safety Commission  
Hana Advisory Committee  
Healing Solutions for Homelessness Commission  
Kula Agricultural Park Committee  
Lanai Planning Commission  
Liquor Control Adjudication Board  
Liquor Control Commission  
Maui Planning Commission  
Maui Redevelopment Agency  
Metropolitan Planning Organization  
Molokai Planning Commission  
Persons With Disabilities Commission  
Police Commission  
Public Works Commission  
Real Property Tax Review Board  
Salary Commission  
Status of Women Committee  
Urban Design Review Board  
Workforce Development Board