

Rules of the Charter Commission

I. Quorum & Vote

- A. Six Members of the Charter Commission shall constitute a quorum.
- B. An affirmative vote of eight (8) members shall be required to act on any proposed amendment to the Maui County Charter.

II. Committees of the Charter Commission

A. Legislative and executive branch (A)

- 1. Article 1-7
- 2. Shall consist of five (5) or more members

B. County Departments (B)

- 1. Article 8
- 2. Shall consist of five (5) or more members

C. Finance & General Provisions (C)

- 1. Article 9-15
- 2. Shall consist of five (5) for more members

D. Three members of each committee shall constitute a quorum.

E. An affirmative vote of these members shall be required to act any proposed Charter amendment.

F. Charter Amendment

- 1. Committee reports shall be signed by at least three (3) members of the committee. Members of the committee who do not concur with the committee shall sign the report by writing "I do not concur". Members may also sign "I do not concur" on individual items of a committee report.

III. Voting

- A. No member shall, on any account, refrain from voting unless excused by the commission.
- B. Once the chairperson call for a vote, no one shall be permitted to explain his/her vote.

- C. Once the chairperson announces the result of the vote, no one shall be allowed to change his/her vote.

IV. Commission Final Report

- A. Final commission report on the proposed amendments to the Maui County Charter shall be signed by at least eight (8) member.
- B. Members of the commission who do not concur with the final report shall sign "I do not concur". Members may also sign "I do not concur" on individual items of the final report.

V. Officers and Their Duties

- A. The Chairperson shall be the presiding officer of the commission. In the absence or disability of the Chairperson, the Vice-Chairperson shall act as the presiding officer.
- B. It shall be the duty of chairperson
1. To open all meetings of the commission at the appointed hour by taking the chair and calling the commission to order.
 2. To call for the approval of the minutes of previous meetings when a quorum is present.
 3. To maintain order and proper decorum.
 4. To receive all communications and present them to the communications and present them to the commission.
 5. To appoint all committees and committee chairpersons.
 6. To announce the results of any matter voted on by the commission.
 7. To reasonably administer the receipt of oral and written testimony on the commission agenda items.

VI. Rules of Procedure

- A. The rules of parliamentary practice set forth in Roberts Rules of Order, newly revised, shall govern commission and committee meetings in all cases in which they are not inconsistent with law, or the rules of the Commission and its Committees.

Council Chair
Howard S. Kihune

Council Vice-Chair
Patrick S. Kawano

Council Members
Vince G. Bagoyo, Jr.
Goro Hokama
Alice L. Lee
Rick Medina
Wayne K. Nishiki
Joe S. Tanaka
Leinaala Teruya Drummond



COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793

92-33

Gwen Yoshimi-Ohashi
Director of Council Services

1992 APR 10 PM 1:29
OFFICE OF THE MAYOR

April 9, 1992

Honorable Linda Crockett Lingle
Mayor, County of Maui
Wailuku, HI 96793

APPROVED FOR TRANSMITTAL

For transmittal to:

Patrick S. Kawano
Mayor
16 APR 92
Date

Mr. Robert Nakasone, Chairman
and Members
Charter Review Commission
County of Maui
Wailuku, HI 96793

Dear Chairman and Members:

I would like to request that the Charter Review Commission consider a separate planning commission for Lanai as with the island of Molokai.

Your favorable consideration would be greatly appreciated.

Very truly yours,

Goro Hokama

GORO HOKAMA
Councilmember

8:GH:jmo

We the undersigned request the Charter Commission to grant Lanai residents the right to have their own Planning Commission. In light of what has happened the past three years we feel that Lanai should have more say in what happens to our island.

PRINT NAME	SIGNATURE	ADDRESS
RAY FABRAO	Ray Fabrao	538 AKAKI PL.
MATTHEW IVES	Matthew Ives	1578 S. OHIO PL.
DOLORIS FABRAO	Doloris Fabrao	538 AKAKI PL.
TIM CATEL	T. Cattel	514 Akauhi
HENRY ESKARAN	Henry Eskaran	202 FRASER AVE
JOHN HIDALGO	John Hidalgo	33 PADUK CT - CALIF
THEODORE COBAS, JR.	Theodore Cobas	31 Keleawe St. Makawala, Lanai
JOE WYMAN	Joe Wyman	19080 Ricardo Ave Hayward CALIF 94541
MARIE COELHO	Marie Coelho	537 AKAKI PL
JOSEFA COELHO	Josefa Coelho	"
Henrietta Eskaran	HENRIETTA. ESKARAN	1528 OHIO ST.
VIVIAN ESKARAN	Vivian Eskaran	202 Fraser Ave
DORIS LINDA	Dorinda	513 AKAKI PL.
PAULA A. MARTIN	Paula A. Martin	"
EVA KWON	Eva Kwon	527 Akahi Pl.
JACKIE WOOLSEY	Jackie Woolsey	428 Lanai Ave.
LORI A. ARRUDA	Lori A. Arruda	P.O. 1095
ARLON A. LOQUIAS	Arloquiast	1244 Lanai Ave.
STANLEY NICOLAIS	Stanley Nicolis	P.O. Box 807 Lanai City
SOLIDAD OBADO	Solidad Obado	P.O. Box 47
DORIS BLAIR	Doris Blair	P.O. 265
PABLO ALONSO	Pablo Alonso	P.O. 303
WILHELM KANKOLA	Wilhelm Kankola	P.O. Box 222

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PRINT NAME	SIGNATURE	ADDRESS
REYNOLD GIMA	<i>Reynold Gima</i>	POB P. LANAI CITY 96763
Naoko Mizomi	<i>Naoko Mizomi</i>	Lanai City HI 96763
MIEKO FUJIMOTO	<i>Mieko Fujimoto</i>	Lanai City HI
Carol Ouma	<i>Carol Ouma</i>	Lanai City, HI. 96763
DIXIE BUCKLEY	<i>Dixie Buckley</i>	P.O. Box 8 LANAI 96763 1040 FRASER
Jason H. Fujie	<i>Jason H. Fujie</i>	P.O. Box 546 Lanai City, HI 96763
ALDEN MAHALEU JR	<i>Alden Mahaleu Jr.</i>	P.O. Box 48, Lanai City, HI 96763
ROY ITO	<i>Roy Ito</i>	P.O. Box 864 Lanai City HI 96763
Lawrence Kawasaki	<i>Lawrence Kawasaki</i>	PO BOX 736 Lanai City, HI 96763
YUKIO MATSUMOTO	<i>YUKIO MATSUMOTO</i>	P.O. Box 326 " " " "
Jana R. Baricastro	<i>Jana R. Baricastro</i>	P.O. Box 608 Lanai City, HI 96763
NEAL TAMASIKO	<i>Neal Tamasio</i>	P.O. Box 518 " " " "
CECIL T. HERA	<i>Cecil T. Hera</i>	P.O. Box 790 LANAI CITY, HI 96763
REV. ROBERT SCHWARZBAUM	<i>Rev. Robert Schwarzbaum</i>	P.O. Box 784 " " "
WILLYNN OZOA	<i>Willynn Ozoa</i>	P.O. Box 871 LANAI City, HI 96763
HIRAO OYAMA	<i>HIRAO OYAMA</i>	PO BOX 796 Lanai City, HI 96763
HELENE OZOA	<i>Helene Ozoa</i>	P.O. Box 926 " " " "
Sol Kahochalahala	<i>Sol Kahochalahala</i>	POB 44 " "
George Kahochalahala	<i>George Kahochalahala</i>	POB 1145 " "
Gene Perry	<i>Gene Perry</i>	PO Box 503 " "
Paahaveri Aia	<i>Paahaveri Aia</i>	" 794 " "
Sol Karpunk	<i>Sol Karpunk</i>	" 792 " "
Carolyn A. Marciniak	<i>Carolyn A. Marciniak</i>	POB 1035 Lanai City HI 96763

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PRINT NAME	SIGNATURE	ADDRESS
HARUE Zaan	Harue Zaan	P.O. Box 935
Jack Zaan	Jack Zaan	" "
Filomena Magabay	Filomena Magabay	P.O. Box 963
Eleanor Ozoa	Eleanor Ozoa	" " 206
KENITA SANDI	Kenita Sandi	P.O. BOX 353
NORA TESORO	Nora Tesoro	P.O. Box 431
Tommy Wright	Tommy Wright	P.O. Box 911
BELENA GAMMA	Belena Gamma	P.O. Box 271
Herbife Kabato	Herbife	P.O. Box 270
JB Guleosh	JB Guleosh	PO Box 125
Jane Sandi	Jane Sandi	P.O. Box 125
Deborah dela Cruz	Deborah dela Cruz	P.O. Box 46
Max Kincaid	Max Kincaid	Box 958
Rocky Sanders	Rocky Sanders	PO Box 692
Howard Ige	Howard Ige	P.O. Box 575
Roy + Yoshimoto	Roy + Yoshimoto	P.O. Box 89-A
MARY J. CABUSLAY	Mary J. Cabuslay	P.O. Box 143
Dodge Zagan	Dodge Zagan	Box 7611
TANEKO ONUMA	Taneke Onuma	POB 538
Sig Pannas	Sig Pannas	Box 182 Lanai HI.
Phyllis Member	Phyllis Member	PO Box Lanai
Honorata Nylor	Honorata Nylor	" " 232
ALICE HANNEY	Alice H. Hanney	" " 153

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PRINT NAME	SIGNATURE	ADDRESS	
RICHARD MORITA JR.	<i>Richard Morita Jr.</i>	P.O. Box 1036	565-6883
MAPUANA SORIANO	<i>Mapuana Soriano</i>	450	565-7432
Regina Ayonayon	<i>Regina Ayonayon</i>	P.O. Box 872 Lanai	565-2378
Cedric P. Urganil	<i>Cedric P. Urganil</i>	P.O. Box 22	565-7426
Dessy Costales	<i>Dessy Costales</i>	P.O. Box 511	565-7520
Georgia Keawe	<i>Georgia Keawe</i>	P.O. Box 1022	565-7521
RICHARD MORITA	<i>Richard Morita</i>	P.O. Box 527	565-6741
BRUNO AMBY	<i>Bruno Amby</i>	123	6509
CHRIS A. BAIJON	<i>Chris Baijon</i>	P.O. Box 585	6298
McPal Morita	<i>McPal Morita</i>	P.O. Box 555	565-6487
Harry Lu	<i>Harry Lu</i>	P.O. Box 207	565-6327
Shirley Timbreza	<i>Shirley Timbreza</i>	P.O. Box 960	
Pat B. Carr	<i>Pat B. Carr</i>	P.O. Box 882	565-6119
Kayumi Masada	<i>Kayumi Masada</i>	P.O. Box 593	565-6312
Gregorio Cabunday	<i>Gregorio Cabunday</i>	P.O. Box 143	565-6581
R. Manuelay	<i>R. Manuelay</i>	P.O. Box 837	565-6639
M. Antonio	<i>M. Antonio</i>	P.O. Box 172	565-6694
Sieto Vergara	<i>Sieto Vergara</i>	P.O. Box 335	6140
Amieto Cabunday	<i>Amieto Cabunday</i>	P.O. Box 542	565-6641
Jimmy Braceros	<i>Jimmy Braceros</i>	P.O. Box 541	565-6886
Mam Maslangbay	<i>Mam Maslangbay</i>	P. Box 18	
Nobuyuki Obara	<i>Nobuyuki Obara</i>	P.O. Box 17	
Lany Benog Sr	<i>Lany Benog Sr</i>	P.O. Box 218	565-6930

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PRINT NAME	SIGNATURE	ADDRESS	
KIYOMI CAZIMERO	<i>Kiyomi Cazimero</i>	P.O. Box, 23060	Hon HI 96823
Endres, MOANA	<i>Moana Endres</i>	Box 503	LANAI
LAYANI BERNARD	<i>Layani Bernard</i>	P.O. Box 868	LANAI
Rebecca Bernard	<i>Rebecca Bernard</i>	P.O. Box 868	
Natanaka Taneloro	<i>Natanaka Taneloro</i>	P.O. Box 797	
Royce Babaton	<i>Royce Babaton</i>	O BOX 797	
FLORINDO FELIPE	<i>Florindo Felipe</i>	P.O. Box 381	Lanai City, HI 96763
LUIS FELIPE	<i>Luis Felipe</i>	P.O. Box 381	Lanai City HI 96763
Joseph Felipe	<i>Joseph Felipe</i>	" " A-168	" " "
Priscilla Felipe	<i>Priscilla Felipe</i>	" "	" " "
CLIFFORD FUCHIGAMI	<i>Clifford Fuchigami</i>	P.O. Box 576	" " "
LMAINE FUCHIGAMI	<i>Lmaine Fuchigami</i>	"	
^{Donald Matsui} Donald Matsui	<i>Donald Matsui</i>	P.O. Box 53	" " "
Kitoshi Matsui	<i>Kitoshi Matsui</i>	P.O. Box 53	Lanai City, HI 96763
Douglas M Akaboshi	<i>Douglas M Akaboshi</i>	P.O. Box 458	Lanai City, Lanai HI
F. Akaboshi	<i>F. Akaboshi</i>	" " "	" " "
I. Fuchigami	<i>I. Fuchigami</i>	POB 293	"
D. Kinoshita	<i>D. Kinoshita</i>	"	"
TONY FELIPE	<i>Tony Felipe</i>	PO Box A-168	"
A Conuelo Alcantara	<i>A Conuelo Alcantara</i>	Box Box 273	
SRA Selveste Alcantara	<i>SRA Selveste Alcantara</i>	"	
Alan BATTON	<i>Alan Batton</i>	P.O. Box 531	

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PRINT NAME	SIGNATURE	ADDRESS		
Lydia Batoon	Lydia Batoon	P.O. Box 531	Lanai City HI 96763	
Lydia Batoon	Lydia Batoon	P.O. Box 531	Lanai City HI 96763	
Aurelia P. Batoon	Aurelia Batoon	P.O. Box 885	" " "	
LOENIDA BATOON	Leonida Batoon	P.O. Box 885	" "	
Cynthia Arruiza	Cynthia Arruiza	P.O. Box 94	" " "	
Esmeraldo Arruiza	E. Arruiza	P.O. Box 94	" " "	
Maxine Arruiza	Maxine Arruiza	P.O. Box 94	" " "	
Melasto C. Antoniaz	Melasto C. Antoniaz	P.O. Box 400		
Venancia Magaoy	Venancia Magaoy	P.O. Box 113		
Juan Magaoy	Juan Magaoy	P.O. Box 113		
Miguel Magaoy	Miguel Magaoy	Box 963		
Leila L. Tamashiro	Leila L. Tamashiro	P.O. Box 518	Lanai City HI 96763	
Marrisa Alonzo		P.O. Box 284	" "	
Juliet Guillermi		P.O. Box 323	" "	
Victoria P. Osalo		P.O. Box 427	" "	
Janice G.		P.O. Box 225	" "	
Cindy Fischer		P.O. Box 215	" "	
Julia H. Minto		P.O. Box 884	" "	
Gayle Rinkmeyer		P.O. Box 884	" "	
Linda A. Phelps		P.O. Box 1168	" "	
Wendy A. Phillips		P.O. Box 1168		
Flora C. Christy		P.O. Box 566		

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PRINT NAME	SIGNATURE	ADDRESS
MARIANO BATON	Mariano Baton	P.O. Box 1056
LUCIA P. BATON	Lucia Baton	P.O. Box 1056
	Alfred Cabata	P.O. Box 950
JOE LARA		P.O. Box 752
JUDY	"	"
ROSA MAMADAY	Rosalicia Mamaday	P.O. Box 837
ANGELA ESPILITA	Angela Espilita	P.O. Box 165
HONORATO ESPILITA		P.O. Box 165
CARLSON YONG	Carlson Yong	P.O. Box 209
JUANNA CABRADILLA		P.O. Box 865
CARMELO CABRADILLA		P.O. Box 865
LYDIA CABATO		P.O. Box 950
YONG BATA		P.O. Box 885
PAUL DALELE		P.O. Box 1135

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PRINT NAME	SIGNATURE	ADDRESS
DORIS FUJIMOTO	Doris Fujimoto	P.O. Box 762
BUTCH HEROLAGA	Butch Herolaga	P.O. Box 856
Ed de Cost	Ed de Cost	P.O. 225
Chris Agliano	Christine Agliano	P.O. Box 3
BERNIE IMPERIAL	Bernie Imperial	P.O. Box 975
MARINO BARZANTO	Marino Barzanto	P.O. Box 397
Alfonso Amoreco	Alfonso Amoreco	P.O. Box 452
EDUARDO ANCHETA	Eduardo Ancheta	P.O. BOX 1093
Fred Sarno	Fred Sarno	P.O. BOX 125
HENRY CABERTO	Henry Caberto	P.O. Box 99
Clara L. Dixie	Clara L. Dixie	P.O. Box 906
CHARLOTTE FELIPE	Charlotte Felipe	P.O. Box 381
JOHN ORNELLAS	John Ornelas	PO Box 1134
Laverne Kenno	Laverne Kenno	P.O. Box 988
Lynette Kaopuiki	Lynette Kaopuiki	P.O. Box 484
Andrew L. Sand	Andrew L. Sand	P.O. Box 364
Morris Okada	Morris Okada	POB. 482
Vincent P. Duxes	Vincent P. Duxes	P.O. Box 1127
Donna Kahohalahala	Donna Kahohalahala	P.O. BOX 1145
Eli Kaopuiki	Eli Kaopuiki	Box 964
Stuart M. Tahl	Stuart M. Tahl	P.O. 264
William Alono	William Alono	P.O. Box 276
IRENE AHUNA	Irene Ahuna	Box 171

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PRINT NAME	SIGNATURE	ADDRESS		
Roy Ito	Roy Ito	P.O. Box 864	Lanai City	
Ryuzumi Kodama Ryuzumi Kodama	Ryuzumi Kodama	Box 389	Lanai City	
Misao Yamatsuka Misao Yamatsuka	Misao Yamatsuka	Box 118	Lanai City	
Maria Mercado	Maria Mercado	P.O. Box 25	"	"
Umeko Fuehigami	Umeko Fuehigami	P.O. Box 375	"	"
MARTINA VILA	Martina Vila	P.O. Box 1029	"	"
Manuela Divina	Manuela Divina	Box 564	"	"
Shuzko Anbe	HARUKO ANBE	Box 464	"	"
MAXIMO BARREROS	Maximo Barreros	Box 541	"	"
Juan Turquesa	Juan Turquesa	Box 1005		
ALFREDO ORDONEZ	alfredo ordonez	Box 803		
Inocencia Focun	Inocencia Focun	P.O. Box 194		
Hideko Satuwatari	Hideko Sanwatan	" 428	"	"
Matsuko Matsumoto	matsukomatsumoto	Box 326	"	"
Fusae Nobui Fusae Nobui	Fusae Nobui	" 306	"	"
KOBEKAZU	YOSHIDA	P.O. Box 121		

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PRINT NAME	SIGNATURE	ADDRESS	
GEORGE L. DAVIS	<i>George L. Davis</i>	181 Lanai Ave #1-D	LANAI CITY, HI, 96763
ADOLFO SANCHEZ	<i>Adolfo Sanchez</i>	537 ILIMA AVE	" " " "
FRANKIE PAGAY	<i>Frankie Pagay</i>	946 PALAWAI	" " " "
DESIREE D. PAGAY	<i>Desiree D. Pagay</i>	946 PALAWAI	" " " "
LORETO CASTILLO	<i>Loreto Castillo</i>	920 Lanai Ave	" " " "
MARIANO BACALSO	<i>Mariano Bacalso</i>	439 Ninth St.	" " " "
DIONA ENFIELD	<i>Diona Enfield</i>	181 Lanai Ave 12H	" " " "
SELWYN HUERTA	<i>Selwyn Huerta</i>	313 Ilima ave	" " " "
Rachel Kahochalahala	<i>Rachel Kahochalahala</i>	181 Lanai Ave #5-F	Lanai, HI 96763
MANNIX TESORO	<i>Mannix Tesoro</i>	1475 N. Okolea Pl.	" " " "
Bobby Zarsoza	<i>Bobby Zarsoza</i>	1130 Gay Lane	" " " "
DENNIS M. MARIANA	<i>Dennis M. Mariana</i>	1333 IUMA AVE.	LANAI CITY HI. 96763

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PRINT NAME	SIGNATURE	ADDRESS	
Florentina Smith	Florentina Smith	P.O. Box 394, Lanai City, HI	96763
Elizabeth Raris	Elizabeth Raris	P.O. Box 266 Lanai City HI	96763
Julie Patten	Julie Patten	P.O. Box 437 Lanai City, HI	96763
Caroline J. Harris	Caroline Harris	P.O. Box 1218 Lanai, HI	96763
Horace Endri	FLORENCE ENDRINA	Box 486, Lanai	"
Donald Matsui	Donald Matsui	P.O. Box 53 Lanai HI,	"
Lynette Oliva	Lynette Oliva	PO Box 1154	" " "
John Menz	JOHN MENZ	PO BOX 491	" " "
Kay Padava	Kay Padava	P.O. Box 808	" " "
Blanche N. McHugh	Blanche N. McHugh	P.O. Box 980	Lanai City, HI 96763
Epi Agtarap	EPI AGTARAP	PO BOX 258	Lanai City, HI 96763
Rosita Camero	Rosita Camero	Box 908	Lanai City HI 96763
Louis PADAVAN	Louis Padavan	Box 808	" " " "
Marina Probst	Marina Probst	PO Box 1087	Lanai City, HI 96763
Patricia A. Hera	Patricia A. Hera	Box 339	" "
Barbara Guillen	Barbara Guillen	Box 1046	"
Deew Crimmings	D. Crimmings	P.O. Box 98	
PATRICIA KAWASAKI	Patricia Kawasaka	PO. Box 89A	Lanai HI 96763
SUSAN OSAKO	Susan Osako	1144 LANAI AVE PO BOX 1086	565-6129 LANAI, HI. 96763

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PRINT NAME	SIGNATURE	ADDRESS
KATHLEEN OSHIRO	<i>[Signature]</i>	502 Akole Place, Lanai City
ALISON KALELEIKI	<i>Alison Kaleleiki</i>	424 Houston St APT. C Lanai City, HI
CLEVA'S OSHIRO	<i>[Signature]</i>	502 AKOLE PL. LANAI CITY HI. 96763
Larry Lee	<i>Larry Lee</i>	203 FIFTH ST LANAI HI "
Louise Lee	<i>Louise Lee</i>	" " " " "
SHERRY MENZE	<i>Sherry Menze</i>	1574 ohobua " " "
Primo Loquiao	<i>[Signature]</i>	1270 MAWA ST.
JOHNNY HAT	<i>[Signature]</i>	Lanai St. (DORIS)
R. Okashi	<i>R. Okashi</i>	Lanai city, Hawaii
G. Rabaino	<i>G. RABAINO</i>	1476 N. Hoalanna St. LANAI
Frances Pagay	<i>Frances Pagay</i>	1485 Hoalanna St Lanai HI
WENDY WERTZ	<i>Wendy Wertz</i>	649 Nani st. #1 Lanai City HI

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PRINT NAME	SIGNATURE	ADDRESS
LOCKE, JENNIFER	Jennifer Locke	P.O. BOX 711 Lanai City,
DOTTI BRANCH	D Branch	Box 774 Lanai City 96763
EHELIE GANOTISI	E Ganotisi	BOX 1020 Lanai City
Mary E. Cahiel	Mary Cahiel	Box 835 Lanai City
Ken Eschto	Ken Eschto	Box 1170 Lanai City 96763
Carol Millar	Carol Millar	P.O. Box 646 Lanai City
MICHAEL HUNTER	Michael Hunter	P.O. Box 525 Lanai City HI 96763
STEPHEN GEA	Stephen Gea	P.O. Box 145 Lanai City HI 96763
John Fabra	John Fabra	Box 378 Lanai City, 96763
H O S Numotani		Box 117 4 4
Judie Varnum		P.O. Box 1179 Lanai
J. Leoville	J. Leoville	Lanai
Bill Varnum	Bill VARNUM	LANAI
John Reddy	John Reddy	46
Russell Sabino	Russell Sabino	LANAI

92-34

CASE & LYNCH

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING LAW CORPORATIONS

THE KAHULUI BUILDING

33 LONO AVENUE, SUITE 470

KAHULUI, MAUI, HAWAII 96732-1681

TELEPHONE: (808) 871-8351

FACSIMILE: (808) 871-0732

FOUNDED 1888

W. O. SMITH (1848-1929)
C. DUDLEY PRATT (1900-1970)

HONOLULU OFFICE:
SUITE 2600 MAUKA TOWER
GROSVENOR CENTER
737 BISHOP STREET
HONOLULU, HAWAII 96813
TELEPHONE: (808) 847-8400
CABLE: LOIO
TELEX: 7238523
FACSIMILE: (808) 523-1920

LIHUE OFFICE:
WATUMULL PLAZA
4334 RICE STREET, SUITE 202
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WESLEY W. ICHIDA *
JOHN R. MYRDAL *
MICHAEL L. BIEHL *
ROBERT E. ROWLAND *
DAVID W. PROUDFOOT *
BRUCE C. BIGELOW *
PAUL R. MANCINI *
JEFFREY CHOI
THOMAS D. WELCH, JR.
ROBERT F. SCHNEIDER
STEPHEN D. WHITTAKER

S. V. BUD QUITQUIT
MICHAEL R. MARSH
DENNIS M. LOMBARDI
DIANA L. VAN DE CAR
GREGORY M. HANSEN *
TOD Z. TANAKA
CATHY LEE SEKIGUCHI
VINCENT J. LUGANI
STEVEN S. C. LI
CAROLINE PETERS EGU
MATTHEW G. JEWELL
NENAD KREK
SCOTT D. RADOVICH
CATHERINE H. LESICA
J. GREGORY TURNBULL
DAVID C. FARMER
ALAN S. KONISHI

FREDERICK R. TRONCONE
IVAN M. TORIGOE
SUSAN A. BENDER
R. CLAY SUTHERLAND
LYLE M. ISHIDA
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CATHY L. TAKASE
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MARGARET HANSON
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RAYMOND K. OKADA

OF COUNSEL
ALLEN M. STACK

* A LAW CORPORATION

MEMORANDUM

TO: Robert Nakasone, Chairman and
Members of the Charter Commission,
County Of Maui

FROM: Paul R. Mancini

DATE: April 20, 1992

RE: (1) Appointment and Confirmation of County Prosecutor
and Corporation Counsel; (2) Subdistrict Durational
Residency Requirement

4307j-----

APPOINTMENT AND CONFIRMATION OF PROSECUTING ATTORNEY AND CORPORATION COUNSEL

Questions have arisen concerning the situation where the Corporation Counsel and/or Prosecuting Attorney have been appointed by the Mayor but not confirmed by the Council. Under this scenerio, issues have been posed as to (a) whether the appointee has full authority of his or her office in the interim, that is, before Council confirmation, and (b) whether such authority continues after Council rejection and before the appointment of a replacement.

These issues have raised questions as to the validity of the actions of the appointees during the interim period.

The Charter of the County of Maui is silent on the issues and provides little guidance with regard to such interim appointments.

Robert Nakasone, Chairman
Members of the Charter Commission,
County Of Maui
April 20, 1992

The Charter Commission has been asked to address these questions and to propose a Charter amendment(s) to resolve the issues.

It would appear that the objective of such amendments would be (a) to facilitate the appointment process; (b) to ensure that the Mayor and Council has ample opportunity to consider each appointment and to act accordingly; and (c) at the same time to avoid disruption in the provision of County legal services during transitional periods.

The August 8, 1991 letter from Jeffrey S. Portnoy to Howard Kuhune, Chairman of the County Council addresses the issues to a certain degree. Mr. Portnoy concludes:

1. that although the Charter is silent with regard to appointment of an acting Prosecuting Attorney and an acting Corporation Counsel, "the Mayor probably had implied authority" to make such appointments; however
2. such appointees "should not have been able to serve more than 60 days without Council confirmation";
3. that the Maui County Charter is silent regarding the subject of acting department heads, which creates ambiguities and unnecessary uncertainties as to the existence and scope of the Mayor's ability to fill vacancies in the offices of Corporation Counsel and Prosecuting Attorney by appointing individuals to serve on a temporary basis without Council approval; and
4. that these ambiguities should be addressed with appropriate amendments to the Charter.

Mr. Portnoy further concluded that while the Charter is silent as to the status of rejected nominees, the spirit and intent of the Charter is to render a rejected nominee ineligible as the acting department head of the county department after the rejection for which he or she was originally nominated.

There seems to be no question that:

1. Specific Authority For Interim Appointment There is no specific authority stated in the Charter for the interim appointment of the Corporation Counsel or Prosecuting Attorney.
2. Time For Mayor to Act There is no "time requirements" under which the Mayor must submit appointments for Corporation Counsel and Prosecuting Attorney to the Council for confirmation after a vacancy exists.

Robert Nakasone, Chairman
Members of the Charter Commission,
County Of Maui
April 20, 1992

3. Time Requirements on Council Action There is no "time requirements" under which the Council must approve or reject the Mayor's interim appointment of Corporation Counsel or Prosecuting Attorney.

4. Status of Rejected Appointments There is no provision in the Charter addressing the scenario where an interim appointment has been rejected by the County Council.

Mr. Portnoy concluded that Sections 6-2.3 of the Charter creates a 60 day limitation for interim appointments to serve without Council confirmation. However, Sections 6-2.3 of the Charter (a) provides that a department head's term ends with that of the Mayor; (b) implies that such department heads can hold over for 60 days into a new term; and (c) limits the hold over term to 60 days. Certainly, it can be maintained that the 60 day hold over period is limited to those County officials holding over into a new term and that it is not applicable to an interim appointment by the Mayor, that is, an appointment after a vacancy is created.

It appears that the issues to be addressed by the Charter Commission include:

1. whether to provide to the Mayor the specific authority to make interim appointments;
2. whether to create a time requirement on the Mayor to submit such appointments to the Council and a time requirement on the Council to consider and act upon such appointments, including default provisions, that is, identifying the ramifications if the Mayor fails to submit within the time requirements and/or the Council fails to act within the time requirements;
3. whether to (1) authorize rejected appointees to continue to serve after rejection; and (2) if allowed to continue to serve, whether to limit the period under which such rejected appointees can continue to serve or; (3) to prohibit such rejected appointees from continuing to serve.

RECOMMENDATION FROM COUNTY COUNCIL

Councilmember Goro Hokama has submitted a proposal to the Council which addresses some of these issues. The proposal indicates that when a vacancy occurs in the office of Corporation Counsel or Prosecuting Attorney, the Mayor has 30 days in which to submit nominees to such offices to the Council for confirmation. If the Mayor fails to submit nominees within said 30 day period, the Council can appoint a person, on acting basis, until a nominee has been submitted by the Mayor and

Robert Nakasone, Chairman
Members of the Charter Commission,
County Of Maui
April 20, 1992

approved by the Council. If the nominee has been disapproved by the Council, the Mayor is required to submit another nominee within 30 days after the rejection. The provision also authorizes the Mayor to appoint a person to act as Corporation Counsel and/or Prosecuting Attorney upon a vacancy, until the nominee has been approved by the Council. The recommendation does address (1) authority of the Mayor to make such interim appointments; (2) time requirements on the Mayor to act and provides a default provision on the failure of the Mayor to so act; and (3) clarifies the status of the rejected nominee, the provision prohibits a nominee who has been rejected from being nominated and acting in the position for the remainder of the Council term. The recommendation does not address issues of the time restrictions on the Council to act nor a default provision if the Council fails to act.

DURATIONAL RESIDENCY REQUIREMENT

Representative Russel Blair has asked the Commission to address the question of whether a durational subdistrict residency requirement for the office of County Council is reasonable considering the nature of the electoral process within the County of Maui. Representative Blair states:

Candidates are restricted, in choosing a subdistrict, by a further requirement that a candidate must have lived in the subdistrict for 90 days immediately prior to the filing of the nominations papers. There is another requirement that all candidates must have been residents of Maui County for 90 days preceding the filing of nomination papers. I am not concerned about the "countywide" durational residency requirement.

The current qualifications for councilmen are identified in Section 3-3 of the Charter. These include requirements that: (1) the candidate be a citizen of the United States; (2) the candidate be a voter in the County; (3) the candidate be a resident of the County for a period of 90 days next preceding the filing of nomination papers; and (4) relative to district representation, a candidate must be a resident in the district from which the candidate seeks to be elected.

With regard to item 4, district representation, the Charter is not clear as to when the candidate must be a resident of the district. The Charter may be interpreted to require that the candidate must be a resident of the district when the candidate files his nomination papers or the candidate must be the resident of the district 90 days next preceding the filing of his/her nomination papers or the candidate must be a resident of the district when elected.

Robert Nakasone, Chairman
Members of the Charter Commission,
County Of Maui
April 20, 1992

It appears the Charter Commission may want to deliberate on these alternatives.

4307j

ELECTION → holdover → no vacancy (6-2.3)

Failure to holdover



vacancy

↳ appointment of acting dept head by dept head (6-3.3)

↳ by Mayor (7-5.1)
 implied from

interim appointment

Mayor's supervisory powers

↳ submission to Council

↳ approval

↳ rejection

↳ Hold-over?

No hold-over?

NEW appointment?



VARIABLES

- Authority
or
interim
appointment
- 1 } ° give specific authority to mayor
 - 2 } ° leave, as is, implied authority
 - 3 } ° create obligation or burden

Status of
rejected
nominee

- ° prohibit to act
- ° authorize to act until new nominee is confirmed
- ° authorize to act within limited time period, until new nominee identified

Mayor's
actions
of the vacancy

- create 4 mil period to submit nominal
- leave, as is, no time period
- address failure to submit

- Council Temp. appointment

- First deputy serves after vacancy

- Charter's general address

Code } 1.12.020

Charter } 13-10

Council's Actions }
agree nominee
submitted

- o Time period to act
approve
reject
- o leave, as in,
no time period

• Failure to act

✓ automatic
conspiration

✓ automatic
rejection

✓ no result
Charters / Code
redress

} 1.12.020

13-10

DURATIONAL RESIDENCY REQUIREMENT SUBDISTRICT

Resident of The
SUB-DISTRICT

WHEN

1. Filing of nomination paper
2. 90 days prior to filing
3. when elected
4. when takes office

92-35



DEPARTMENT OF WATER SUPPLY
COUNTY OF MAUI
P.O. BOX 1109
WAILUKU, MAUI, HAWAII 96793-7109

April 23, 1992

Mr. Robert Nakasone, Chairman
Maui Charter Commission
200 So. High Street
Wailuku, Hi 96793

Dear Mr. Nakasone:

The Chairman of the Board of Water Supply, Larry Jeffs, would like an opportunity to speak to the members of the Maui Charter Commission with regard to matters concerning the Board of Water Supply.

I would appreciate your arranging and letting us know the time and date for his appearance before the commission.

Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "David R. Craddick".

David R. Craddick, Director

DRC/ao

92-36

Council Chair
Howard S. Kihune

Council Vice-Chair
Patrick S. Kawano

Council Members
Vince G. Bagoyo, Jr.
Goro Hokama
Alice L. Lee
Rick Medina
Wayne K. Nishiki
Joe S. Tanaka
Leinaala Teruya Drummond



Gwen Y. Ohashi
Director of Council Services

1992 APR 28 PM 2:51

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793

April 27, 1992

Honorable Linda Crockett Lingle
Mayor, County of Maui
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

For transmittal to:

Linda Crockett Lingle 4/29/92

Mayor Date

Mr. Robert Nakasone, Chairman
and Members of the Charter Commission
County of Maui
Wailuku, Hawaii 96793

Dear Mr. Nakasone:

SUBJECT: BUDGET FORMAT

Attached for your information is a memo from Mr. J.P. Schmidt, Deputy Corporation Counsel, regarding the above subject matter.

Should you have any questions, please feel free to contact me at 243-7682.

Yours truly,

Alice L. Lee
ALICE L. LEE
Councilwoman

ALL:am

Attachment



LINDA CROCKETT LINGLE
Mayor

GUY A. HAYWOOD
Corporation Counsel

BC #12

FY 1993 BUDGET

DEPARTMENT OF THE CORPORATION COUNSEL

COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
TELEPHONE: (808) 243-7740

- _____ BAGOYO
- _____ HOKAMA
- _____ KAWANO
- _____ KIHUNE
- _____ LEE
- _____ MEDINA
- _____ NISHIKI
- _____ TANAKA
- _____ TERUYA DRUMMOND
- _____ Ken
- _____ Dianne
- _____ Administration
- _____ Corp. Counsel
- _____ Press
- _____ Misc.

April 24, 1992

MEMO TO: Councilmember Alice L. Lee, Chair, Budget Committee

F R O M: J. P. Schmidt, Deputy Corporation Counsel

SUBJECT: BUDGET FORMAT

This is in response to your memorandum dated March 31, 1992, asking this office to determine whether the fiscal year 1993 budget should be drafted as two ordinances, a budget ordinance and a capital program ordinance.

It is the opinion of this office that two separate ordinances may be drafted, one for the budget and one for the capital program, but the Charter does not require two separate ordinances. The budget and capital program may be combined in one ordinance.

Section 9-1 of the Charter of the County of Maui provides in part:

"All fiscal affairs of the county during any fiscal year shall be controlled by a budget ordinance and a capital program ordinance for that fiscal year."

This section appears to contemplate two separate ordinances. Also, Sections 9-5 and 9-6 of the Charter are two separate sections, one concerning amendment and passage of the budget and one concerning amendment and passage of the capital program. This also implies two separate ordinances.

However, the procedures for submitting, amending and passing each is the same. Both must be submitted to Council on or before March 15. Section 9-2(1). A hearing on the proposed budget and capital program must be held no sooner than April 1st and no later than April 30th. Section 9-4. And, each must be passed prior to May 31st. Sections 9-5 and 9-6. Therefore, both the budget and capital program may be encompassed in one

92-37

LINDA CROCKETT LINGLE
Mayor
GEORGE N. KAYA
Director
CHARLES JENCKS
Deputy Director
LLOYD P.C.W. LEE, P.E.
Chief Staff Engineer



AARON SHINMOTO, P.E.
Land Use and Codes Administration
EASSIE MILLER, P.E.
Wastewater Reclamation Division
RALPH NAGAMINE, P.E.
Engineering Division
BRIAN HASHIRO, P.E.
Solid Waste Division
MELVIN HIPOLITO
Highways Division

RECEIVED
1992 MAY -6 PM 2:17
OFFICE OF THE MAYOR

COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS

200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793

May 6, 1992

The Honorable Linda Crockett Lingle
Mayor, County of Maui
Wailuku, Hawaii 96793

Mr. James Cockett
Committee Chair
Maui Charter Commission
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

Linda Crockett Lingle 5/11/92
Mayor Date

Dear Mr. Cockett:

SUBJECT: DECEMBER 5, 1991, CHARTER COMMISSION MINUTES

I would like to correct the minutes of the December 5, 1991 meeting pertaining to my responses.

IV. A., 1. Public Works Director "has to coordinate the functions of all five departments." (should be "divisions")

"..some departments are short-staffed and that by having all five departments combined they can borrow staff back and forth..." ("departments" should be changed to "divisions")

Correction: My response referred specifically to the Solid Waste and Highways Divisions. At present the Solid Waste Division, Refuse Section, relies on the Highways Division for refuse collectors. If these divisions are separated, every effort should be made to properly staff and equip the Solid Waste Division in order for them to carry out their operations.

IV., A., 3. "The County is trying not to get involved with recycling but are looking into privatizing land fills."

Mr. James Cockett
May 6, 1992
Page 2

Correction: We (the County) favor many forms of recycling but not curbside recycling. Perhaps curbside recycling may be undertaken by the private sector. We have had some inquiries concerning privatizing of landfills.

Thank you for allowing me to give input to your committee. Please call me if I can be of any assistance.

Very truly yours,



GEORGE N. KAYA
Director of Public Works



92-38

DEPARTMENT OF WATER SUPPLY
COUNTY OF MAUI
P.O. BOX 1109
WAILUKU, MAUI, HAWAII 96793-7109

April 15, 1992

Robert Nakasone, Chairman
Charter Commission
County of Maui
200 S. High Street
Wailuku, Hawaii 96793

RE: BOARD OF WATER SUPPLY

Dear Mr. Nakasone:

This letter is to present the position of the Board of Water Supply ("Board") with regard to requirements of the Charter relating to approval of rules and regulations, and the establishment and adjustment of rates and charges for furnishing water.

Under the present Charter, Section 8-11.8, the adoption, amendment and repeal of water rules including the setting of water rates and charges are subject to approval by the Mayor. Thereafter, the Council may, by two-thirds vote of its entire membership, disapprove the rule or change in rate.

The Board believes that such a scheme is not only unduly cumbersome but compromises the Board's fiduciary duty to political concerns.

Section 8-11.7 of the Charter provides that "[t]he revenues of the department shall be kept in a separate fund and shall be such as to make the department self-supporting."

This provision requires that revenues (raised predominantly through the sale of water) generated by the Department of Water Supply be sufficient to pay for all operating costs, capital improvement projects, as well as to meet debt service obligations on bonds issued by the Board. The Department of Water Supply is the only county department burdened by this requirement. It is also the only county department which must send its rules to the County Council for consideration and possible disapproval.

"By Water All Things Find Life"

Robert Nakasone, Chairman
Charter Commission
April 15, 1992
Page 2

Consequently, the Board must be able to approach the issue of revenue generation in a business-like manner, free of concerns of a political nature. It would also be nice if the Board could serve as an instrument to cure social problems in the County, but that cannot and should not be its function especially in light of its charge under the Charter.

It is interesting to note that of all the boards of water supply in the State, the Maui board is the only one which has to go through the two-step process (approval by the Mayor and possible disapproval by the Council) for approval of its rules. In fact, Section 91-3(c), Hawaii Revised Statutes, which provides that all County agency rules be approved by the Mayor, the Legislature saw fit to exempt County boards of water supply from such a requirement. The Charter, however, continues to maintain the requirement of Mayoral approval

With this request for added independence, the question of accountability is raised. The Special Charter Commission of 1987-88 ("Commission") considered this issue of accountability. That report stated:

The commission has been troubled by questions of accountability. Elected officials logically advocate that the electorate should maintain the final decision with regard to accountability and responsibility. Their position is that a system providing for an independent entity, not responsible to the electorate, lacks the requisite checks and balances which are the corner stone of our government. Much of the private sector spokesmen advocated an independent system -- one step removed from the larger body of governmental affairs. This view point stresses the increased attention and specialization that an independent body can receive if not made a component of the larger web of a bureaucracy. Obviously, each view point has merit and no one system ensures efficiency or operational success.

* * * * *

The commission was impressed with regard to the accountability in other Hawaii counties. Officers from other Hawaii county water systems expressed their opinions that adequate accountability was provided through the appointment and removal process of board members, the power of persuasion of the mayors and council members, and the correlation between water operations and infrastructure development and each of the county's general plans. The commission found that accountability and responsibility were not issues of

Robert Nakasone, Chairman
Charter Commission
April 15, 1992
Page 3

concern in the jurisdictions contacted by the commission.

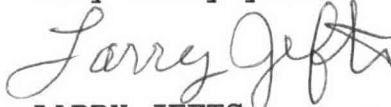
As a result of the foregoing findings, the Commission adopted a compromise position that evolved into the present charter provisions.

The Board submits that in the 3 1/2 years the semi-autonomous Board has been in existence it has operated in a manner consistent with the public interest as tempered by its charge under the Charter. However, to more effectively carry out its responsibilities, it must have a greater degree of autonomy than that presently provided for in the Charter.

Accordingly, the Board of Water Supply strongly urges that the same degree of independence with respect to adoption, amendment and repeal of rules and the setting of water rates and charges, that other Board of Water Supply throughout the State have, be afforded to it.

Thank you for your consideration of this matter. Should you have any questions or concerns, please feel free to call me.

Very truly yours,



LARRY JEFTS
Chairman
Board of Water Supply

LJ:HMF:pk

COMPARISON CHART

WATER BOARDS' POWERS - HONOLULU, HAWAII, KAUAI, MAUI

	MANAGE, OPERATE, CONTROL PROTECT, PRESERVE, WATER SYSTEMS	ADOPT RULES FOR CONDUCTING BUSINESS INCLUDING RATES	MONTHLY MEETING	CREATE/ABOLISH POSITIONS	APPOINT DIRECTOR
C & C OF HONOLULU	X	X	X	X	X
HAWAII COUNTY	X	X	X	X	X
KAUAI COUNTY	X	X	X	X	X
MAUI COUNTY	X		X	X	X

	ADOPT/AMEND BUDGET	ISSUE REVENUE BONDS	EMINENT DOMAIN PURCHASE, LEASE, SELL PROPERTY	SEPARATE WATER FUND	MAYORAL ADMINISTRATIVE SUPPORT
C & C OF HONOLULU	X	X	X	X	X
HAWAII COUNTY	X	X	X	X	X
KAUAI COUNTY	X	X	X	X	X
MAUI COUNTY	X	X	X	X	X

	WATER DEVELOPMENT PLANS SUBJECT TO APPROVAL OF MAYOR & COUNCIL	REVIEW STATE & COUNTY GENERAL PLAN SUBMIT REVIEW & WATER PLAN TO MAYOR & COUNCIL	SUE/BE SUED	COORDINATE WATER PLANS WITH COMMUNITY GENERAL PLAN
C & C OF HONOLULU			X	X
HAWAII COUNTY			X	X
KAUAI COUNTY		X	X	X
MAUI COUNTY	X		X	X

Councilmember Alice L. Lee
April 24, 1992
Page 2

ordinance without procedural conflict. Also, at a minimum, the total of the capital program must be included in the budget to balance revenue and expenditures. Section 9-3(2).

I also reviewed the minutes of the Charter Commissions and found no discussion about this issue. There was no indication that two ordinances were necessary.

In conclusion, the budget and capital program may be considered and enacted in one ordinance or in two separate ordinances under the Charter provisions. If you have any further questions, please do not hesitate to contact me.

JPS:ln
ltrs\lee13