

COMMITTEE OF THE WHOLE

COMMITTEE
REPORT NO.

88-77

March 18, 1988

Honorable Chairman and Members
of the County Council
County of Maui
Wailuku, Hawaii 96793

Chairman and Members:

Your Committee of the Whole, having met on November 18, 1987, and March 2, 1988, makes reference to the following:

1. County Communication No. 87-179, from Councilmember Patrick S. Kawano, regarding proposed amendments to the Revised Charter of the County of Maui (1983) pertaining to a Molokai Planning Commission and Lanai Planning Commission;
2. Committee Report No. 87-354, from the Planning and Land Use Committee, regarding a proposed amendment to the Revised Charter of the County of Maui (1983) pertaining to the Planning Commission's authority over the Coastal Zone Management law;
3. Miscellaneous Communication, from Councilmember Goro Hokama, regarding a proposed amendment to the Revised Charter of the County of Maui (1983) pertaining to voting requirements for Boards and Commissions;
4. Miscellaneous Communication, from Council Chairman Bob Nakasone, regarding a proposed amendment to the Revised Charter of the County of Maui (1983) pertaining to the appropriation of unanticipated revenues;
5. Miscellaneous Communication, from Council Chairman Bob Nakasone, regarding a proposed amendment to the Revised Charter of the County of Maui (1983) pertaining to the audit of accounts;

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6. Miscellaneous Communication, from Councilmember Linda Crockett Lingle, regarding proposed amendments to the Revised Charter of the County of Maui (1983) pertaining to Council confirmation of the appointment of the Planning Director;
7. County Communication No. 87-471, from Mayor Hannibal Tavares, transmitting a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983) RELATING TO THE TERMS OF MEMBERS OF BOARDS AND COMMISSIONS";
8. Miscellaneous Communication, from Councilmember Wayne K. Nishiki, regarding proposed amendments to the Revised Charter of the County of Maui (1983) pertaining to term of office for the County Council and Office of the Mayor;
9. County Communication No. 88-37, from Mayor Hannibal Tavares, transmitting a proposed resolution entitled "PROPOSING AN AMENDMENT TO SECTION 7-6.2 OF THE REVISED CHARTER OF THE COUNTY OF MAUI (1983)";
10. County Communication No. 88-76, from Mayor Hannibal Tavares, transmitting a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983) RELATING TO ESTABLISHING A DEPARTMENT OF HOUSING";
11. County Communication No. 88-77, from Mayor Hannibal Tavares, transmitting a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), RELATING TO THE REVIEW OF SALARIES OF ELECTED OFFICIALS BY THE COST OF GOVERNMENT COMMISSION".
12. County Communication No. 88-78, from Mayor Hannibal Tavares, transmitting a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983) RELATING TO LAPSING OF CAPITAL IMPROVEMENT APPROPRIATIONS"; and

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13. County Communication No. 88-87, from Mayor Hannibal Tavares, transmitting a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983) RELATING TO APPEALS CONCERNING THE USE OF NEW OR ALTERNATE MATERIALS, TYPES OF CONSTRUCTION, EQUIPMENT, DEVICES OR APPLIANCES".

Your Committee notes that at its meeting of November 18, 1987, proposed amendments listed from items 1 through 6 had been received by the Committee. Your Committee received testimony from two (2) individuals on item 2, pertaining to the Planning Commission's authority over the Coastal Zone Management law. The first individual testified that in the event the Council is given the authority over the Coastal Management law, that it be guided by Chapter 91 of the Hawaii Revised Statutes, particularly the requirements and provisions for contested case hearings. The second individual testified that in the event the Council is not given the authority over the Coastal Zone Management law, that close scrutiny be made on the nominations to the Planning Commission.

Your Committee is in receipt of a memorandum dated March 1, 1988, from the Chairman of the Committee, transmitting proposed resolutions pertaining to the various amendments to the Revised Charter of the County of Maui (1983). The proposed resolutions had been drafted in Ramseyer format, to identify precise language changes to the Revised Charter of the County of Maui (1983).

Your Committee noted that it is in receipt of the following proposed resolutions submitted by the members of the Council:

1. "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983) RELATING TO ESTABLISHING PLANNING COMMISSIONS FOR LANAI, MOLOKAI, AND MAUI".

The purpose of the proposed resolution is to provide for separate planning commissions for the islands of Lanai, Molokai and Maui.

2. "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983) RELATING TO COASTAL ZONE MANAGEMENT".

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The purpose of the proposed resolution is to delete the provision requiring the planning commission to act as the authority in all matters relating to the Coastal Zone Management law.

3. "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983) RELATING TO VOTING REQUIREMENTS FOR BOARDS AND COMMISSIONS".

The purpose of the proposed resolution is to change the number of affirmative votes of a board or commission necessary to take any action, from the majority of those present, to the majority of the entire membership of a board or commission.

4. "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983) RELATING TO APPROPRIATION OF REVENUES".

The purpose of the proposed resolution is to allow the Mayor to certify grant revenues which are not actually received, but which are to be reimbursed after the County advances the program costs.

5. "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983) RELATING TO AUDIT OF ACCOUNTS".

The purpose of the proposed resolution is to improve the procedures in the selection of an independent auditor for the County by changing the deadline for the designation of an independent auditor, from thirty (30) days to six (6) months after the beginning of each fiscal year.

6. "PROPOSING AMENDMENTS TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983) RELATING TO THE PLANNING DIRECTOR".

The purpose of the proposed resolution is to include the Planning Director as an officer whose appointment is subject to approval by the Council.

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7. "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983) RELATING TO TERMS OF OFFICE OF COUNCIL MEMBERS".

The purpose of the proposed resolution is to change the term of office for council members from two (2) years to four (4) years, concurrent with the term of office of the Mayor.

8. "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983) RELATING TO TERM OF OFFICE OF OFFICE OF THE MAYOR".

The purpose of the proposed resolution is to change the term of office for the Mayor from four (4) years to two (2) years, concurrent with the term of office of council members.

Your Committee further noted that it is in receipt of the following proposed resolutions submitted by the Mayor:

1. "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983) RELATING TO THE TERMS OF APPOINTED BOARDS AND COMMISSIONS".

The purpose of the proposed resolution is to provide that the terms of members of boards and commissions shall commence on April 1st and end on March 31st. Those members holding office upon the effective date of the amendment, shall continue in office for the balance of the term and for ninety (90) days following March 31st.

The proposed resolution also provides that new boards and commissions established by the Charter shall have nine (9) members. Of the nine members initially appointed, three (3) shall serve for a term of five (5) years, two (2) shall serve for a term of four (4) years, two (2) shall serve for a term of three (3) years, and two (2) shall serve for a term of two (2) years.

2. "PROPOSING AN AMENDMENT TO SECTION 7-6.2 OF THE REVISED CHARTER OF THE COUNTY OF MAUI (1983)".

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The purpose of the proposed resolution is to provide that the Managing Director shall act as Mayor in the temporary absence of the Mayor from the County or temporary leave (vacation or sick) of the Mayor.

3. "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983) RELATING TO ESTABLISHING A DEPARTMENT OF HOUSING".

The purpose of the proposed resolution is to provide for a new Department of Housing consisting of a director and necessary staff. The director shall be appointed and may be removed by the Mayor and shall have had a minimum of five years of experience in an administrative capacity, either in public service or private business, or both.

The director of housing shall:

- a. Be the administrative head of the Department of Housing.
 - b. Develop and administer projects, programs and plans of action designed to stimulate or aid the supply of housing in the County.
 - c. Act as the local public officer for the purpose of implementing state-assisted and federally-aided housing programs.
 - d. Perform such other duties and functions as shall be assigned by the Mayor.
4. "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), RELATING TO THE REVIEW OF SALARIES OF ELECTED OFFICIALS BY THE COST OF GOVERNMENT COMMISSION".

The purpose of the proposed resolution is to repeal the provision relating to the Cost of Government Commission's review of the salaries of the Mayor and Council Members since the Charter provides for a Salary Commission to determine the compensation of elected officials.

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5. "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983) RELATING TO LAPSING OF CAPITAL IMPROVEMENT APPROPRIATIONS".

The purpose of the proposed resolution is to change the lapsing date of capital improvement appropriations from six (6) months after the close of the fiscal year in which they were appropriated, providing no funds were expended or encumbered by a written contract, to provide that capital improvement appropriations of less than \$100,000 shall be deemed abandoned eighteen (18) months from the date of the appropriation and that capital improvement appropriations of \$100,000 or more shall be deemed abandoned thirty (30) months from the date of appropriation, providing no funds were expended or encumbered by a written contract.

6. "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983) RELATING TO APPEALS CONCERNING THE USE OF NEW OR ALTERNATE MATERIALS, TYPES OF CONSTRUCTION, EQUIPMENT, DEVICES OR APPLIANCES" (as revised).

The purpose of the proposed resolution is to clarify the Board of Code Appeals' jurisdiction relating to construction materials, methods, etc. and to include appeals from the requirements of the Department of Water Supply as it pertains to such construction materials, methods, etc.

At its meeting of March 2, 1988, your Committee decided to recommend that the Council conduct public hearings on the proposed amendments to the Revised Charter of the County of Maui (1983).

Your Committee of the Whole RECOMMENDS that the Council SCHEDULE public hearings on the following:

1. A proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983) RELATING TO ESTABLISHING PLANNING COMMISSIONS FOR LANAI, MOLOKAI, AND MAUI";

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2. A proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983) RELATING TO COASTAL ZONE MANAGEMENT";
3. A proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983) RELATING TO VOTING REQUIREMENTS FOR BOARDS AND COMMISSIONS";
4. A proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983) RELATING TO APPROPRIATION OF REVENUES";
5. A proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983) RELATING TO AUDIT OF ACCOUNTS";
6. A proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983) RELATING TO THE PLANNING DIRECTOR";
7. A proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983) RELATING TO TERMS OF OFFICE OF COUNCIL MEMBERS";
8. A proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983) RELATING TO THE TERM OF OFFICE OF THE MAYOR";
9. A proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983) RELATING TO TERMS OF APPOINTED BOARDS AND COMMISSIONS";
10. A proposed resolution entitled "PROPOSING AN AMENDMENT TO SECTION 7-6.2 OF THE REVISED CHARTER OF THE COUNTY OF MAUI (1983)";
11. A proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983) RELATING TO ESTABLISHING A DEPARTMENT OF HOUSING";

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12. A proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983) RELATING TO REVIEW OF SALARIES OF ELECTED OFFICIALS BY THE COST OF GOVERNMENT COMMISSION";
13. A proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983) RELATING TO LAPSING OF CAPITAL IMPROVEMENT APPROPRIATIONS"; and
14. A proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983) RELATING TO APPEALS CONCERNING THE USE OF NEW OR ALTERNATE MATERIALS, TYPES OF CONSTRUCTION, EQUIPMENT, DEVICES OR APPLIANCES" (as revised).

Your Committee of the Whole further RECOMMENDS that the proposed resolutions BE RECOMMITTED following the public hearings.

Adoption of this report is respectfully requested.

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excused

GORO HOKAMA Chairperson

Howard S. Kihune
 HOWARD S. KIHUNE Vice-Chairperson

Linda Crockett Lingle
 LINDA CROCKETT LINGLE Member

Patrick S. Kawano
 PATRICK S. KAWANO Member

Thomas P. Morrow
 THOMAS P. MORROW Member

Robert H. Nakasone
 ROBERT H. NAKASONE Member

excused

WAYNE K. NISHIKI Member

Velma M. Santos
 VELMA M. SANTOS Member

Joe S. Tanaka
 JOE S. TANAKA Member

COUNCIL OF THE COUNTY OF MAUI
 Wailuku, Hawaii 96793

CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that the foregoing COMMITTEE REPORT was adopted by the Council of the County of Maui, State of Hawaii, on the 18th day of March, 19 88 by the following vote:

MEMBERS	Linda CROCKETT LINGLE	Goro HOKAMA Vice-Chairman	Patrick S. KAWANO	Howard S. KIHUNE	Thomas P. MORROW	Robert H. NAKASONE Chairman	Wayne K. NISHIKI	Velma M. SANTOS	Joe S. TANAKA
ROLL CALL	Aye	Excused	Aye	Aye	Aye	Aye	Excused	Aye	Aye

Daryl T. Gammato
 COUNTY CLERK