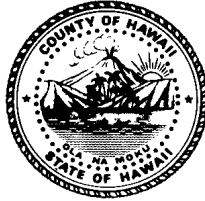


William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret K. Masunaga
Deputy

County of Hawaii

PLANNING DEPARTMENT

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720
Phone (808) 961-8288 • Fax (808) 961-8742

Testimony of Planning Director Bobby Jean Leithead Todd Charter Commission Meeting of December 18, 2009

Testimony in opposition to the proposed amendment:

Charter Amendment Proposal CA-25 which proposes an amendment to Article III, Section 6-7.2(b)(2) by adding a new section to the charter making CDPs a part of the charter and creating community development plan action committees.

As a general position, I am opposed to the creation of additional boards and commissions in the charter or county code without a thorough analysis of the cost of implementing the proposal and continuing its operations. The county code has created action committees and as they have only recently been created, it is too early in the process to determine if the county can, given its finances, sustain ongoing committees, or even if these committees will in the long run be necessary.

In recent years, charter amendments have created a fire commission, an environmental management commission, and a second planning commission. The county council has created additional committees and commissions through legislative action. The planning department is now or soon will be responsible for two planning commissions, four action committees, two steering committees, an arborist advisory committee, the KVDC, a cultural resources commission, the board of appeals and is also required by state law to participate in state LUC hearings in addition to its other functions.

All of these commissions, boards and committees require staff support and time and resources. Much of this was accomplished in the past few years through non-civil service personnel when there was plenty of money for contractual hires to supplement the department employees. Each steering committee had a professional services consultant, one or more contractual community liaisons, a community reporter and funds for publications and advertising. Thus each CDP cost anywhere from about \$400,000 to one million dollars in contracted services. This does not include the cost of employee overtime and benefits or all advertising, publishing and public notice costs. Going forward, there will be no money for such contractors and all work will have to be done in-house by existing employees. Since we are also looking at two furlough days a

month in the next fiscal year and an uncertain economy, this is the worst time to add additional boards and commissions and/or committees through the charter as it removes the flexibility the administration and the council may need to balance the budget.

Additionally, the language contained in the proposal which would require “[a]ll applications for development of lands within a district” to be reviewed by the district’s action committee could require even building permits and applications for additional farm dwellings, ohana permits, in addition to SMA minor and major, special use permits, use permits, subdivision applications, rezoning requests, state land use applications, variances and a host of other applications to go through the committees. Since many applications are time sensitive and are deemed approved under state law if the department fails to process them in a timely manner, this could have the result of many applications being automatically approved since the agendas for the action committees would have to comply with the sunshine law.

The proposal essentially transforms the CDP action committees from making recommendations for implementing the CDP and proposing amendments to a CDP to a body more like a planning commission. The difference is that the purview of the action committee would encompass far more applications than those currently going to the planning commissions and potentially bog down the work of the department.