

MINUTES OF THE
MAUI COUNTY CHARTER COMMISSION

DATE: January 15, 1964

PLACE: Board Committee Room, Wailuku, Maui.

CALL TO ORDER: 7:40 P.M.

PRESIDING: Masaru Yokouchi, Chairman

MEMBERS PRESENT: Masaru Yokouchi, Chairman
Emil Balthazar
C. H. Burnett, Jr.
Richard Caldito
William F. Crockett, Vice-Chairman
Cornwell Friel
Shiro Hokama
Nadao Honda
Keith Tester
Thomas Yagi
Charles C. Young, Research Assistant

MEMBER EXCUSED: Harry Kobayashi

OTHERS PRESENT: Kase Higa, Deputy County Attorney
Robert Johnson, Advertiser Reporter
Jack Stephens, Maui News Reporter
Mrs. Jay Van Zwalenburg

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ROLL CALL:

There were 10 members present and 1 excused at the regular meeting of the Maui County Charter Commission on January 15, 1964.

TENTATIVE DRAFT OF CHARTER:

Article VIII (Executive Departments, Boards and Commissions) of the tentative draft of the charter was circulated to the members of the Charter Commission.

GENERAL DISCUSSION:

Initiative and Referendum:

Mr. Higa: In my opinion initiative is where the charter gives the people directly the right to go ahead and initiate ordinances. As far as I understand it, there are various ways of providing for the initiative. Initiative may take a direct or indirect form.

Mr. Tester: It should be known that if you have initiative you would have referendum.

Mr. Higa: I think people who prefer initiative, prefer referendum. You may have the charter prescribe certain conditions. It must be submitted to the voters.

- Mr. Tester: Is it your feeling that the charter will be stronger without initiative and referendum?
- Mr. Higa: Personally, I do not care for the initiative and referendum. Recall is alright provided you have some safeguard. Initiative and referendum tend to weaken the responsibilities of elected officials. Referendum is used in some places to "pass the buck". I doubt in a county of this sort people will use it very much.
- Mr. Burnett: I don't agree with the strong mayor type of government, but by including referendum in the charter we allow the people to express themselves by submitting it to them for a vote.
- Mr. Tester: Can we have limitations on referendum?
- Mr. Higa: You may. Some charters limit referendum to certain items.
- Mr. Yagi: I think to have initiative and referendum in the charter is important for this reason - it will put the elected officials on their toes.
- Mr. Crockett: I wonder whether the people in the county will be disturbed about the actual laws that are passed or whether how the laws are administered. I think if we have some safety valve in the administration, this may take care of the administration. If there is no clear demarcation from one branch of government to another, they would go to a board member before they see the chairman.
- Mr. Higa: Under initiative if a certain number of voters get together and propose a measure, they give the council a certain number of days in which to enact it. Only when the council objects to it, the council can call for an election on this matter, and if after, say, 30 days the council objects, the people will get to vote on it.
- Mr. Balthazar: Would there be any value in initiative without referendum? Would it have any effect?
- Mr. Crockett: I think it would. We would know what their position on a particular issue is.
- Mr. Balthazar: If we have initiative, then we would have to word the initiative clause so that they have to positively take action within "X" number of days.
- Mr. Higa: You must remember that in the initiative process you do refer that to the voters if the council does not take any action. Referendum is started by the council and submitted to the people for a vote.

It was moved by Mr. Burnett and seconded by Mr. Yagi that on the basis of general principle initiative and referendum be included in the charter. The motion was carried (7 ayes, 3 noes-- Balthazar, Caldito and Tester).